A PRESENTATION ON THE PORT ARTHUR INCIDENT:

Martin Bryant

PRELUDE TO A ROYAL COMMISSION.

An in depth analysis of evidencial statements,
official reports, publications and television footage,
challenging the Crown hypothesis of a lone gunman.
The Port Arthur Incident was a black cloud of tragedy
affecting every decent Australian.
This book commences to lift the bigger cloud of concealment
that has ignored and buried the true facts of what actually
occurred, before during and after the 28th April 1996.

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A Presentation on the Port Arthur Incident: Prelude to a Royal Commission.

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Ordering details, updates, progress on the Royal Commision.

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The author was born in 1944 at Geelong, Victoria. Then spending his school years on a dairy farm in the Murray Valley, he proceeded as far as Intermediate at High School, known today as year 10.
Moving back to Geelong, he worked at various jobs and trades, married and started a family.
Becoming widowed in 1988, he consequently gained the time to take a rather pro-active interest in local government, and more interest in Federal Politics.

Then followed many letters to Newspapers pertaining to the state of the economy and the misfortune of Australian Owned Enterprise. Scathing letters of a telling nature, that heaped the blame for most of Australia's woes squarely onto the bad Parliamentary processes initiated by the elected Politicians.

Most letters were backed up with tedious research at the local University library. Scouring current and older copies of Hansard, unravelling the origins of legislation that worked against the interests of the home grown product.

Also followed were numerous attendance's at public meetings of a political nature, mainly at a local government level. Much inspiration was received from attending several lectures by well known orator and researcher, Mr. Jeremy Lee.

Participation on a number of committees followed. A stint on VOCAL, or Victims of Crime Assistance League; the save Osborne House association; a citizens against pollution group; Zone Leader in Neighbourhood Watch; and a few years as a Do-Care visitor for the elderly.

A strong interest in saving Point Lillias from a Toxic Dump; saving the Belmont Common from the interests of vested groups; conservation of Geelong's heritage; fighting against Amalgamation of local Councils; losing the fight to retain Tariff Protection for local industry.

A submission to the Industry Commission was a project during 1996, with his thoughts on the Automotive Industry being received as submission #7.

In 1997 he expanded efforts onto a website on the Internet, thus *Liberty Australia* was formulated to outline the legislation and planning to bring about Australia's *recession we had to have*. Tracing the path from the Whitlam government of early 1975, to Treasurer John Howard's Campbell Inquiry of 1979, then to Treasurer Paul Keating's Martin Inquiry, leading to de-regulation of the entire economy in 1983.

When Port Arthur first occurred, there was interest at the beginning, but more as a shocked citizen. As time went by, the early newspaper clippings became of more importance.

Some of the comments and arguments about Port Arthur became so intriguing that a deep investigation become inevitable. Once under way, the research grew and seemed to snowball, with articles and various snippets just happening his way. In fact there were so many anomalies that only a book could point them out!

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CHAPTER 1
INTRODUCTION.

There is a principle which is a bar to all learning,
and which is bound to keep a man in everlasting ignorance,
and that principle is contempt prior to investigation.
Herbert Spencer.

There has been much conjecture, and many rumors, over the Port Arthur Incident of 28th April 1996.
Beyond the initial misinformation of media coverage by Television and Newspapers, there have been informative articles in a number of magazines, as well as a number of books written on the subject, however, when one reads the Court Document from the Sentencing Hearing, it is quite easy to come up with far more questions than there are answers.

The hypothesis of what has transpired at Port Arthur simply fails to add up. The Crown has failed to provide an adequate scenario of what actually occurred on the day, and in the lead up to the massacre. To compound this shortcoming, the Media had already taken the matter of justice into their own hands, consequently what should have been a matter for the Court to decide, became what many could construe as *Trial by Media.*

Because there was never a Trial to determine the guilt or innocence of Martin Bryant beyond all reasonable doubt, and because there was no Coronial Inquest to determine all relevant and causal details, and because no Inquiry ever took place into the door that cost seven lives, the public have been denied not only proof of guilt, but have been left with nothing but 72 empty pleas of guilty, without confessions, and without a reconstruction of what occurred that Sunday, consequently there are not proofs of everything that Bryant has been convicted for, having only confessed to an incident with the BMW.

The haste with which Bryant was tried by the Media, and the zeal with which the Prosecution and his own Defence short circuited the anticipated trial, have led to a total lack of understanding of what actually occurred at Port Arthur and at Seascape.
Consequently it has been suggested with quite good argument, that Martin Bryant was not the gunman at Port Arthur, and that his place was taken by an impersonator.
Having read everything that was in the general public domain, I have no argument with anyone looking at that possibility, because the information that has been fed to the public has been quite error ridden, and the insistent avoidance of any type of an Inquiry, surely leaves room for much suspicion and conjecture.

Having now examined many additional documents, including the 235 Witness Statements from the DPP brief, the full Interrogation, the Negotiator Transcript, and a number of technical analyses, I remain undecided of Martin Bryant's guilt or participation in the murder of 32 people at Port Arthur.

However, the murder of David and Sally Martin, and Glenn Pears at Seascape, are the source of much bewilderment, the facts as known, and the hypothesis of the Crown, simply fail to disclose what has actually taken place.

While it may appear that Martin Bryant has also murdered these three people, one must ponder the identity of the person who fired the gunshots at Seascape that Sunday morning. The identity of the additional person or people witnessed at Seascape during the siege must also be determined.

This book will not answer all the questions. Hopefully though, it will raise an awareness of aspects of Port Arthur that were never made public, matters that are essential to learn the truth of the matter and if we are to prevent a repeat of such a tragedy.

I share and express the utmost of empathy and sympathy for those who have suffered because of Port Arthur, whatever the reason or cause of the tragedy and suffering there.
However, I feel that the victims and the public in general deserve answers to the many questions that have arisen, those regarding applications of the law that are not what the public expect, preparations that have been incredulously fortuitous in the event that took place, matters of importance that have been totally omitted, and many comments and articles that are quite false and border on downright deception.

It should be of great concern that Justice sometimes goes astray. Here in Australia Lindy Chamberlain was convicted and later exonerated, so too was Tim Anderson of the Hilton Bombing saga. Overseas we had the Birmingham six freed after 17 years in prison, and the Guildford four, these were cases that convicted innocent people by overlooking the basic premise of *guilty beyond all reasonable doubt*.

Every possible effort must be taken to ensure that the legal process is always beyond reproach, and that the letter of the Law is always followed without bias, this has not happened with Martin Bryant's conviction process for the Port Arthur massacre.

The legal anomalies of subjudice when the Newspapers published the picture and the name of Bryant before any legal processes, also the lack of defense provided, as well the apparent conflicts of interest by his lawyer. These and other legal problems will be covered in some depth.

This matter must not be swept under the rug by Politicians that may wish to thwart any and all investigations into the Port Arthur Massacre, as the very sparse fabric of Justice for the citizens of Australia has already been severely compromised here.

Just the matter of abandoning a trial for the reason of "shielding the victims from trauma" is an absolute absurdity. It is essential for victims of rape, assault, extortion, to revisit the crime in a court of law, (this is the long accepted method by which trials must operate,) in fact, there is a modicum of healing to be gleaned from the process.

Much of this book has been written in past tense and while I concur with some aspects of the guilt of Martin Bryant, I do not view his guilt as proven beyond all reasonable

doubt, therefore I refer in many instances to "the gunman" rather than to Bryant as "the one" as did all before he was convicted, and in some instances before he was even charged.

While I have nothing but disgust for the actions of the gunman at Port Arthur, be it Martin Bryant or not, I despair over the shoddy justice that was shown to Bryant by those pulling the various strings in 1996.

If this book invokes a Royal Commission, I will have achieved my purpose, if it only ensures that no life will ever be lost again because a fire exit lock malfunction has not been recognised, then my efforts will not have been in vain.

Hopefully though, I trust that a Royal Commission will be scathing in its investigation of miscreants, whether it be the Prime Minister for stepping beyond Federal Parliamentary realms into State Judicial matters, or whether it be the servants of the Tasmanian legal system, or their Federal masters.
No person must be beyond investigation, and any and all whistleblowers and interested parties must be encouraged, protected, and permitted to raise matters of import to a select committee.

The author of this book is not attempting to outline exactly what occurred before, during, or after the Port Arthur Incident, nor do I expect to name any or all parties who may be found guilty of some complicity, but hopefully this presentation will give a greater understanding of what may have actually occurred, what has been kept from the public, and the questions that require investigation to restore some semblance of Justice and Truth.

CHAPTER 2
THE PUBLIC PERCEPTION

Oh, what a tangled web we weave,
when first we practice to deceive.
Sir Walter Scott... Marmion

What the public perceives is wholly dependant upon the whims or desires of the Media. While the Port Arthur Massacre was very much a major newsworthy event, one of world significance, the handling of the event by the Media was quite atrocious.
The errors and bias were one thing, but using the massacre to further the cause of gun control was another matter. And totally unforgivable was the use of the Newspapers in particular, to invoke a trial by the Media Circus.

What was informed on the day of Martin Bryant's arrest was not that a mass murder had taken place in Tasmania, and that a suspect had been taken into custody.
No, we were informed that, ***the killer is a 29 year old schizophrenic from the Hobart suburb of New Town***, and that ***his father committed suicide 3 years ago***.
[Hobart Mercury April 29 1996]

Even more telling was the full size picture of Martin Bryant, that adorned the Front/Back page the next day with the giant caption, THIS IS THE MAN, the front page continued with...
This is the man whom Tasmanians want to face 35 murder charges.
This is the man who stumbled out of an inferno of a house yesterday, his clothes ablaze, leaving behind three hostages.
This is the man who allegedly calmly, chillingly, coolly and brutally stalked and gunned down men, women and children at the Port Arthur historic site on Sunday afternoon.
This is the man who grabbed the hostages and holed up in a cosy bed and breakfast home as police laid siege to the refuge.
This is the man who is now in Royal Hobart Hospital being treated for burns as police wait to interview him.
This man is Martin Bryant, 28, a man of mystery from the Hobart suburb of New Town.
[Hobart Mercury April 30 1996]

The public perception was further enhanced with a page 4 article that not only pictured Bryant's house, but informed that, ***Set back from busy Clare St, number 30 is one of the biggest homes in the street.***
Details were given that a weapon and bullets lay scattered in Martin Bryant's hallway, that there were weapons magazines on a little coffee table, we are given the titles of some Videos and other little snippets, obviously this man is already guilty!
The old and well accepted adage of, innocent until proven guilty, certainly was not applied here.

The public were also given intimate details from acquaintances and neighbours from within an article titled, ***The troubled mind of Bryant,*** all this about a man who had not yet been to Court, and published in the same city in which he lives, and who had yet to be charged with any offence.

Tasmania's police assistant commissioner, Mr Luppo Prins, also expressed concern at media reports that identified Mr Bryant.
"It is fair to say that with the media attention which this has received and the unfortunate naming of the individual prior to charges being laid, that it may provide some difficulties, legally, in the court process," Mr Prins said.
[The Age 1st May 1996]

Perhaps haste is essential to scoop the opposition, perhaps the Media were somewhat led by the nose, perhaps the Media painted themselves into a corner, and, perhaps there can be no latter retraction of what the Media have already stated to be fact.

But, journalists understand due process of law, in fact the very nature of journalism demands knowledge of certain legal procedures, and the legalities pertaining to subjudice would be well known!

And, as the legal proceedings eventuated towards the final Sentencing Hearing, not once was it brought to public attention that an impaired person had been denied his legal right to a guardian at every appearance, and to a lawyer during the Police Interrogation.

The public perception that was portrayed at the time of the massacre has never been revised, the newsmakers have never deviated one iota from their original line that one Martin Bryant was solely responsible for the carnage at Port Arthur.
While this may be the truth of the matter, when there has been no Trial, no Inquest into the 35 deaths, and no Inquiry into the door, how can one be sure that Bryant acted alone.
And seven months later in November, following the sentencing hearing, why did no one query the obvious anomalies presented to the Court, for an experienced journalist, there were just so many questions and doubts that should have been pursued.

One particular aspect that was flaunted to the public was the content of Bryant's video collection, and yet this following article which appeared the following year, completely destroyed the opinion that he had deviant tastes in videos.
The case for censorship has been given a boost by allegations that the infamous murderer of Port Arthur, Martin Bryant, was wont to watch sexually explicit and violent videos. In fact, there is no evidence for this and, as has been pointed out by our chief official censor, the director of the Office of Film and Literature Classification, John Dickie, the collection of videos found at Bryant's home was largely innocuous, with a few standard violent items. It is a red herring
[The Age 6th February 1997]

And then there is the matter of Martin Bryant's mental state, the public have been informed initially of his schizophrenic condition, along with many other mental aberrations, and yet the information that was forthcoming during the Sentencing

Hearing, now informed one and all that Bryant did not have schizophrenia at all, but in fact has a condition known as Aspergers Syndrome.
It was apparent that Martin Bryant was not going to elude the full wrath of the law with the reason of an unsound mind.

Your Honour, I refer you to the rest of the report now of Dr. Sale which was obviously prepared by him, at my request, to determine whether or not Section 16 of our Criminal Code provided any explanation for Bryant's criminal responsibility, in other words was he criminally insane at the time he committed these acts. And you will see that Dr. Sales's conclusion your Honour was that there was no such defence available to him. He concluded that it was his opinion that the syndrome, or disorder, which explained much of the conduct that Bryant went through, which many people found either disconcerting and anti-social or inappropriate, was attributable to a syndrome caused Asperger's, that's A-s-p-e-r-g-e-r's, syndrome and he details the indicia of that syndrome on page 16 of his report

HIS HONOUR: Does Doctor Sale have a view about the presence or absence of schizophrenia or any other specific psychotic illness?

MR. BUGG Q.C: Yes, your Honour. Thank you, your Honour, yes, the question of this man suffering from schizophrenia was the subject of some speculation but if I can just take your Honour to the relevant section of the report where he deals with that, at the top of page 18 he says:
"There is no form of mental illness, as the term is usually understood. He certainly does not manifest any psychotic illness such as schizophrenia."
[Court Document pages 323, 324, 325]

At the conclusion of proceedings and incarceration, it would seem that the matter of the Port Arthur Massacre has concluded, except for the lifelong suffering of the relatives of the victims, and that of the survivors.
But, when there has not been one official Inquiry into what has actually transpired on the 28th and 29th April 1996, and when one realises that there are discrepancies in the official line, and that the Crown's hypothesis invites the belief that Bryant could not have acted alone, and that there are serious omissions in what was presented to the Court, it remains that full investigation take place to supply all the answers, and determine whether any other person or persons should also face charges over this tragedy.

CHAPTER 3
THE IMPETUS FOR GUN LAW CHANGE

There will never be uniform gun laws in Australia
until there is a massacre in Tasmania.
Barry Unsworth

Because the Port Arthur massacre was the key event to effect gun law changes in Australia, it is very important to reflect on past events that pertain to gun laws and International Treaties, to examine comments from people of related significance, and to associate Australian legislation and committees that have worked towards this end.

The Australian Media played no small part in the drive towards national gun control, with such emotive and timely hyperbole as depicted here.

Herald Sun

NEWS EDITORIAL

THE GUN

■ Total ban on automatics ■ Jail for owning banned weapons ■ Levy plan to buy back guns

IT'S WAR ON GUNS

Marks

[Herald Sun 7th May 1996]

The United Nations.
The United Nations has had a long standing drive towards international gun control, on the 18th of December 1979, the Australian Government enacted the Convention on Discrimination against Women into Australian Law.

Buried within this innocuous seeming document is the call for general and complete disarmament! The following extract exposes this typical UN agreement with their usual mix of doublespeak, noble sounding rhetoric, and transfer of National Sovereignty.

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neocolonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women that the strengthening of international peace and security, the relaxation of international tension, mutual cooperation among all States irrespective of their social and economic systems, ***general and complete disarmament****, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self- determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,*
[Convention on the Elimination of All Forms of Discrimination against Women]

The Memorandum of Understanding with the United Nations.
On the 7th July 1988, a *Memorandum of Understanding regarding the collaborative arrangements between the Australian Institute of Criminology and the Crime Prevention and Criminal Justice Branch, Centre for Social Development and Humanitarian Affairs, United Nations* was signed on behalf of Australia by Duncan Chappell, Director of the Australian Institute of Criminology, and Peter Loof, Chairman of the Board of Management of the Australian Institute of Criminology.
Following this agreement, Professor Duncan Chappell was appointed the Chair at the establishment of the *National Committee on Violence* in October 1988.

National Committee on Violence.
Following the Queen and Hoddle Street massacres of 1987, a *National Committee on Violence* was formed in December 1987. The ensuing Committee, formed in October 1988, made over 130 recommendations for violence reduction in its report, *Violence: Directions for Australia*, seventeen of these were on the subject of firearms control.
* the enactment of uniform legislation throughout Australia to regulate the acquisition and possession of firearms,
* a ban on the importation of military weapons except when imported for use by law enforcement officers and the defence force,
* if constitutionally possible, a Commonwealth ban on the sale of mail order firearms,
* a ban on the sale of surplus military weapons,
* the establishment of a computerised national firearms registry,
* the prohibition of automatic weapons and some types of ammunition,
* restrictions on the possession of semi-automatic weapons,
* a requirement that all firearms owners be licensed,
* shooters' licences should not be available for minors,
* a cooling off period between application for and the grant of a shooter's licence,
* the introduction of training and competence standards for shooter's licence holders,
* the introduction of mandatory safekeeping standards for individuals and businesses,
* restrictions on private sales of firearms,
* the imposition of severe penalties for those convicted of using a firearm in the commission of a crime.

Barry Unsworth.
In December 1987, after a specially called Premier's meeting in Hobart, the New South Wales Labor Premier, Mr. Barry Unsworth stated, *There will never be uniform gun laws in Australia until there is a massacre in Tasmania.*
Following the Port Arthur massacre, the Herald Sun reminded readers of this dire prediction.
[Herald Sun 5th May 1996]

How true was this prophetic statement, only following Port Arthur were Politicians to achieve their goal of Australia wide gun laws without suffering an electoral backlash.
In fact, Mr Unsworth was removed from office in 1988 following his anti-gun campaign, a lesson that has not been forgotten by Australian Politicians.

Violence: Directions for Australia.
A report was prepared in 1990, entitled, *Violence: Directions for Australia*, authored by the National Committee on Violence, and published by the Australian Institute of Criminology.
The initiatives that are enforced today are outlined in detail.

Australasian Police Ministers Council.
The need for uniform national firearms laws was considered by the Australasian Police Ministers Council (APMC) in 1991.
Recommendations for reform were drawn up as a result of that meeting.
In May of 1995 they agreed to establish a working party composed of officials from each jurisdiction to 'identify mechanisms which would achieve uniformity' in a number of areas.

At its meeting on 10th November 1995, the APMC discussed a proposal to move towards national uniformity in firearms legislation. Their Working Paper comprised ten Resolutions covering license categories, requirements of licensees, genuine reasons for possessing a gun, mutual recognition of licenses, training, registration of handguns, storage, gun dealer recording of sales, and control of sales of prohibited firearms.
Following the Port Arthur massacre, an emergency meeting of APMC was set down for 10 May 1996 in Canberra.

The Government has been so desperate to achieve National Gun Laws that they even considered using the very dubious "external affairs power" to achieve their end.
The foreign treaties considered were *The International Covenant on Civil and Political Rights* and *The Convention on the Rights of the Child.*
[Parliamentary Library: *After Port Arthur - Issues of Gun Control in Australia* 7th May 1996]

John Howard's viewpoint.
I also have a view about gun control that is a very strong one, I think you have to have some exemptions properly for rural people and for sporting organisations, but, beyond that I think any legitimate moves, any bans on semi-automatic weapons and so forth are needed to keep the curse of proliferation of guns out of Australia.
[Laurie Oakes Channel 9 interview 4th June 1995]

Roland Browne.
Roland Browne was the spokesman for the Tasmanian branch of *The Coalition for Gun Control*. In November 1995, Browne warned not only Tasmanians, but all Australians that if Tasmania did not enact tougher firearm laws then there would be a massacre in Tasmania of massive proportions.
After the Dunblane massacre, Roland Browne appeared on *A Current Affair*, and again all Australians were warned that if the Tasmanian Government didn't implement proper firearm laws, then a massacre of monumental proportions would occur.

The Federal Attorney General.
On the 7th May 1996, a mere eight days after the massacre had concluded, the Federal Attorney General and Justice Minister, Daryl Williams, issued a news release entitled FIREARMS, the document leaves no doubt that the proposed changes had been long prepared and were merely waiting in the wings for the right Fabian type moment!

As most recently confirmed by the devastating events at Port Arthur, it is long past the time for the nation to act as a whole in controlling the possession, use and availability of dangerous weapons.
I have today circulated to my State and Territory colleagues on the Australasian Police Ministers' Council (APMC) the Commonwealth's detailed proposals for the effective nationwide control of firearms.
[News Release 7th May 1996]

Australasian Police Ministers Conference.
On the 10th May 1996, National and state officials met in Canberra to change Australian gun laws, the ABC reported...
With the Port Arthur massacre fresh in their minds the police ministers of all Australia's states and territories gathered in Canberra. Their task was to discuss ***John Howard's plans to rewrite Australia's gun laws.*** *The Prime Minister urged all the ministers to think very carefully.*
Eight hours later the ministers came out in support of the strict new laws.
[ABC Behind the news. 14th May 1996]
Ed. John Howard's plans....indeed!

If the national uniformity proposals were a response to the Port Arthur tragedy why were they written before the event?
The proposals were the work of Daryl P. Smeaton, of the Commonwealth Law Enforcement Board (CLEB), a Labour appointee and written for the Labour government of the day, probably while working for Duncan Kerr, the Justice Minister. Labour realised the futility of such a move and didn't act on the proposals. They were pulled out of hibernation and dusted off for the Australasian Police Ministers Conference (APMC) on May ten 1996, less than two weeks after the event (28/4/96). Such wide ranging proposals would have been virtually impossible to put together in that time.
They were definitely not conceived as a response to the tragedy.
[Ross A. Wilmoth 1997]

Tim Fischer - Deputy Prime Minister.
In May of 1996, Tim Fischer the Deputy Prime Minister had a meeting with firearm owners in Central Australia, where he said to them, *If we don't get it right this time, then next time there is a massacre and there will be, then they'll take all our guns off us.*
[Radio Interview 3LO: Deceit & Terrorism, Media Chapter]

Ted Drane - Sporting Shooters' Association.
There are hundreds and hundreds of thousands of these firearms out there, and they've been there since 1904, and all of sudden they've become a danger to society. I'd like to know how? I'd like to know why?"
[ABC 14th May 1996]

Blackmail on gun laws.
This was the very apt title given the article that explained the pressure exerted against State Governments back on May the 10th.
Statehood for the Northern Territory could have been jeopardised had the territory refused to adopt Prime Minister John Howard's proposals for uniform national gun laws, says the territory's Chief Minister, Mr Shane Stone.
And a Tasmanian MP claims that the Federal Government had threatened Tasmania with "financial ruin" through the loss of woodchip licenses if it did not comply with the Prime Minister's wishes.
South Australian Liberal MP Mr Sam Bass has attacked Mr Howard's alleged tactics.
"I believe the Prime Minister threatened legally elected state governments with withdrawal or holding over of federal funding if they did not comply with his proposals of May 10."
[Herald Sun June 30th 1996]

Australian Police Journal.
Sergeant Gerard Dutton wrote a report on the Port Arthur Shooting Incident for the Australian Police Journal of December 1998, in it he stated...
The ramifications of the Port Arthur shooting went far deeper than the human tragedy itself. ***Gun laws in Australia were changed on a national level virtually overnight.***
[Australian Police Journal: September 1998]

Senator Natasha Stott Despoja
Australian Democrats' Attorney General and Justice spokesperson, Senator Natasha Stott Despoja issued a media release in 1998 in which she exemplified the incredible efforts that went into achieving national uniform gun laws, with quotes like...
After all the agony in 1996 to get workable national uniform gun laws, the Commonwealth, Territory and State leaders must not buckle under pressure from the gun lobby, and
It was only the widespread public outcry which followed the massacre at Port Arthur that helped focus the States and Territories and allowed us to achieve the laws which we now have in place.
[Media Release 98/169 20th March 1998]

Alexander Downer - Foreign Minister.
Australia is a key player in, and contributor to, international efforts to address the regulation of small arms.
[Media Release 23rd July 1999]

There can be no doubt that changes to Australian gun laws were a pipe dream that had been long on the drawing board, and like many other International Treaties and agreements, commonly emanate from the United Nations.
And also like many of these UN based agreements, they generally have a common *Animal Farm* method of disguising their real intent

CHAPTER 4
PREPARING FOR A DISASTER.

Government is not reason; it is not eloquence; it is force!
Like fire, it is a dangerous servant and a fearful master.
George Washington

Australians, of all people, should know and realise the dangers of Government. To live in what was once a land of plenty and opportunity, and to know that it has been legislated away by treacherous politicians, with total economic control transferred to the whims of global players, proves that we not only have fearful masters, but that they hold no allegiance to the Australian public, and in fact treat the electorate with much scorn.
It was very deceptive and furtive indeed, to allow the New International Economic Order to bypass the scrutiny of Parliament, hiding it inside the Trojan Horse of the Lima Declaration, which proves that there are ways and means to achieve any goal without the public, or even other politicians, ever being aware that anything is taking place
[New International Economic Order: NIEO 1975] [Lima Declaration 1975]

There are many recorded instances of Governments treating the lives of citizens with callous indifference, fortunately the public are far better informed today, especially with the encouragement of whistleblowers, and with the advent of Freedom Of Information inquiries.
From wars and coups, sellouts and privatisation's, or simply gaining a monopoly in banking or big business, factions within Government are very aware of who pays the piper.
And make no mistake, the cause of gun control is a long standing one when you examine the international legislation's that pertain to Australia, and, realising that legislation change **was** the outcome of Port Arthur, be aware that Franklin Delano Roosevelt candidly and accurately stated, ***If something happens in the world of politics, you can be sure it was made to happen***.

As distasteful and callous as it sounds, it is not beyond the realms of possibility, that movers and shakers within Government circles, could make subtle arrangements to bring about a gun related massacre in Tasmania, and to arrange the minimisation of fallout from such a massacre.

Only the most naive of persons would fail to appreciate that such subtle, secretive, devious, and not to mention treacherous, schemes have taken place many times from within the hallowed walls of our own Parliament.
Any one in doubt needs only look at the following example, the current level of Foreign Ownership of all that was once Australian, and read of the goal within the Lima Declaration of transferring Australian Enterprise to the Third World by the year 2000
Any one can look around on this one, and see that the chickens have indeed come home to roost, the path of this sell out by Parliament can be followed with Hansard

and other Official Documents. From inception in 1975, to the Inquiry of 1979, the Campbell Inquiry, the Martin Inquiry, and the major rewrite of the Economy and Banking practices in 1983, commonly referred to in simple terms as De-regulation.

Public opinion or consensus is very important to a ruling Government, and the community anger from a massacre in Australia must not be directed against the authorities, it is one thing to allow the blame to be directed at an individual, it would be another matter if there were shortcomings in the treatment of the wounded, or to see the dead treated with any disrespect.
This did not happen at Port Arthur, everything to do with the survivors and the victims was exemplary, despite the remoteness of the site, and despite the difficulties of it being a Sunday.

The many preparations and prior exercises ensured that the massacre, despite it's comparative enormity in the disaster field, really ran quite smoothly in regards to the fact that further loss of life beyond the shootings, was actually zero, no one died later as a result of their wounds.

The anger generated against Martin Bryant was very well managed by the Media, by Politicians, and by the anti-gun lobby, the frenzy whipped up possibly served to distract much attention from the behind the scenes preparations and exercises.

SAC-PAV preparations.
The Port Arthur massacre was managed as though it was a SAC-PAV exercise.
Since it's inception in 1978, the Standing Advisory Committee on Protection Against Violence has conducted many exercises in all parts of Australia including Tasmania, and the Tasman Peninsular in particular, had been very well exercised and prepared.

The exercises 12 months prior.
Several exercises have been conducted since 1995 that have been designed to assess the emergency services response capability to an event on the Tasman Peninsular, which includes Port Arthur, involving an accident between two tourist coaches.
The scenario specified multiple fatalities and injuries of numbers similar to those that occurred on 28 April. This scenario was used for an exercise involving local volunteer emergency services at Dunalley on the Tasman Peninsular in April 1995.
[EMA Seminar Papers page 3]

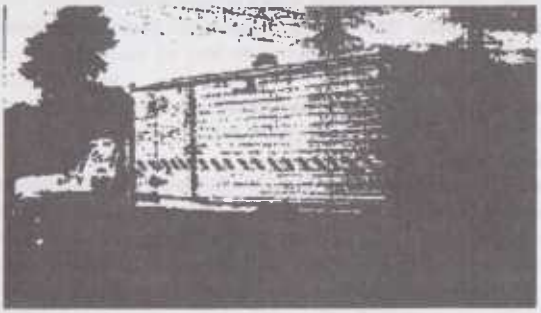
The exercise five days prior to Port Arthur.
On 22 and 23 April 1996, five days prior to the tragedy, an Aviation Seminar was held at the Police Academy. The seminar considered Tasmania's resource capability to cope with a domestic aircraft accident and identified the support available from other states.
The seminar included presenters from the national airlines, and recognised international experts in the field of disaster victim identification and aeronautical medicine.
Other exercises were held to test anti terrorist arrangements. These exercises practised emergency service personnel and other organisations in responding and managing an event with multiple deaths and casualties.
[EMA Seminar Papers page 3]

How incredibly fortuitous, a practice situation on the very things that would be required at Port Arthur, was that divine providence or what?

Police Operations under SAC-PAV.
The Police command structure for management of the Port Arthur incident was essentially along the lines of a SACPAV terrorist incident.
[EMA Seminar Papers: Assistant Commissioner Luppo Prins]

The 16/22 person Mortuary Ambulance.
The Southern Tasmanian Mortuary Ambulance Service [STMAS] first came to pass on 1 July 1994 when the Justice Dept decided it needed a private contractor to remove bodies from crime scenes.
It appears that the Ambulance service had on hand prior to the Port Arthur massacre, a purpose built Mortuary Ambulance which proved invaluable at Port Arthur because of the remoteness of the site.
This foresight was nothing short of amazing, to have on hand a refrigerated truck capable of storing 16 bodies, the only one of its kind in Australia.
This foresight though seems a little suspect because in September 1999, the vehicle was advertised for sale, it would seem that the advantage of having such a unique vehicle on hand is no longer a requirement.
The following advertisement appeared on the Internet on the Web page for the Southern Tasmanian Mortuary Ambulance Service with a picture of the vehicle.

Vehicle for Sale.
Genuine Enquiries only.
Yellow Chevrolet 350 V8 truck with refrigerated body, holds 22, this vehicle was primarily used as the disaster vehicle in the ***Port Arthur Massacre.*** *This vehicle is currently for sale and all reasonable offers will be considered. The vehicle has value as not only a refrigerated unit for body removal, it is the only one of its kind in the entire country. The "memorabilia" value of it for anyone making a movie/series or writing a book on Port Arthur is limitless. Not only would the purchaser be getting the disaster vehicle, but the whole Port Arthur Story would be given as well.*
This vehicle is currently for sale and all REASONABLE OFFERS will be considered.
Email cwright@trump.net.au



Ed. The Web site http://www.trump.net.au/~taspol/Mortuary.html for the STMAS was removed following the advertisement.

The importance of the ambulance to Port Arthur is explained in the EMA papers under the section on Coroner's Responsibilities.

Pursuant to his contract for mortuary ambulance services, Ray Charlton must provide his own vehicles. He organised two vehicles to travel from Hobart. His usual mortuary ambulance is an ex-Tasmanian Ambulance Service Ford F-100 capable of carrying four bodies.

Also present was a Chevrolet truck to the chassis of which Mr Charlton had attached a refrigerated covered compartment capable of storing sixteen bodies.

This vehicle had, in the past, been regarded as an expensive aberration that would never have a use

At Port Arthur it was a highly prized possession. One can not overlook that the road between Hobart and Port Arthur is narrow, undulating and about one hundred kilometres long. In just two return trips the Chevrolet carried the majority of the disaster victims to the mortuary, a task that would otherwise have required eight return trips by conventional mortuary ambulance. Mr Charlton's foresight became a lesson in efficiency.

[EMA Seminar Papers: Coronial Responsibilities]

And within the Forensic Overview was the supporting statement.

Removal of the bodies was greatly assisted because the Southern Region Mortuary Ambulance Service provided a large vehicle capable of handling multiple bodies - the only such vehicle currently available in Australia.

[EMA Seminar Papers: Forensic Overview]

First Aid training for Port Arthur staff.

It was certainly very timely that the Port Arthur staff had recently been given first aid training, the suffering and the litigation could have been far worse but for this foresight.

Wendy (Scurr), a Senior instructor with St John and a volunteer Ambulance Officer of long standing, had taught 70 Historic Site staff First Aid during the past twelve months.

[EMA Seminar Papers: The Ambulance Perspective]

The finalisation of Code Brown.

By 26 April, the 'final draft' of code brown was on my desk

[EMA Seminar Papers: The Development and Testing of External Emergency Procedures at Royal Hobart Hospital]

That is of course 26th April in 1996, two day before the massacre.

Preparation for a disaster.

For an event to be labelled a disaster it must overwhelm normal community and organisational resources and requires extraordinary responses to deal with it.

The events of 28 April 1996 at Port Arthur constituted a disaster by definition. Enormous community resources were required to deal with the actions of just one individual. Without prior planning, a co-ordinated response would not have been possible and the events of 28 April would have been even more tragic.

Even with the significant preparation which produced a world class response to the tragedy, the emotional impact of the act of senseless violence continues to be far reaching, both geographically and over time.
It is just not possible to plan for the emotional impact of the events of Port Arthur. However, an 'all hazards approach' to the planning and co-ordination of pre-hospital and emergency services and hospital services enabled all involved to respond admirably to the challenge.
Some of the planning was achieved with literally only hours to spare.
[EMA Seminar Papers: Royal Hobart Hospital Emergency and Medical Management of Port Arthur Victims]

The EMST course on the morning of the massacre.
The Director of surgery, Dr Stephen Wilkinson, had been in the nearby Repatriation Hospital that morning, conducting an Early Management of Severe Trauma (EMST) course for twenty-five doctors from all over Australia.
The course, presented by the Royal Australasian College of Surgeons in conjunction with hospital specialists, aims at improving capacity to respond to major emergencies, and one of the scenarios that morning had been a multiple shooting.
What would have been the result had the shooting at Port Arthur occurred half an hour later. The possibility that most of the specialist doctors would have left Hobart by plane, and would not have been available for the coming emergency.

Could all of these very timely preparations be mere chance, I certainly hope so, but it certainly must give even the most sceptical person some food for thought.
Just as the Port Arthur massacre itself would have required more than a modicum of planning, until one is made aware of all the related events that combined to effect the massacre, and also the preparations to effect the smooth running of disaster recovery, then ones mind does not consider all the possibilities that may have led to what actually transpired.

The departure of Port Arthur staff on the morning of the massacre.
While this was not a preparation, it is yet another of the out of the ordinary occurrences on the day.
There was an interoffice memo for Port Arthur staff, John Featherstone, Robyn Cooper, David Scott, Maria Kingston, Peter Burke, Andrew Simmons, Leslie Kirby, Rhonda Tomlinson and Craig Coombs, issued on the 18th April 1996, it informed that an off site workshop would be held on Sunday 28th April and Monday 29th April at Meredith House Swansea.
Transport would be provided by three work vehicles that would leave the site at 11.00am, staff were to either be on site or arrange to be collected along the way.

It just so happened that 10 of my most senior staff were heading away for a 2 day training seminar to Swansea, a seaside resort on the State's east coast, about 2 hours from the site.
[EMA Seminar Papers: Port Arthur Historic Site Management Authority Response]

CHAPTER 5
ROYAL HOBART PREPARATIONS.

Without multiple serendipitous events more people would be dead.
Dr Bryan Walpole

Of all the preparations in Tasmania that helped to minimize the fallout after the Port Arthur massacre, those of the Royal Hobart Hospital must have been the most fortuitous, or to put it in the words of Dr Bryan Walpole, surgeon in charge, ***without multiple serendipitous events more people would be dead***.

My Merriam-Webster explains ***serendipitous:*** *the gift of finding valuable or agreeable things not sought for.*

According to Dr Walpole, the following remarkable coincidences helped to save lives.

- Unusually, three helicopters with pilots were virtually on the tarmac.
- A volunteer ambulance course had finished earlier in the day, a two-day airport disaster exercise had finished the day before and the hospital's revised emergency management plan had been published the week before.
- The massacre occurred at 1.30pm on a Sunday, just before a nurse changeover shift (so there were double the nurses in the hospital), the operating theatres and many beds were empty and most staff were easily contacted at home.
- Two local doctors, both skilled in trauma care and who had recently completed the emergency management course, were at the scene.

Other preparations were explained by Dr David Smart at the EMA Seminar, his introduction noted that, ***Some of the planning was achieved with literally only hours to spare.***
Under the heading of **Preparation For Disaster,** he listed the following items as being significant prior events that assisted the process of managing patients from Port Arthur.

- A number of changes to the liaison between Ambulance Services and the State's acute medical care program were implemented under the recommendations of the Fitzgerald Shugg Report.
- A complete revamp of the Hospital's External Disaster Plan, this commenced in March 1995.
- Disaster Management courses were undertaken for staff during 1995, including a course at the Rokeby Police Academy.
- A doctor was appointed to the Region Disaster Planning Group to establish a link between other members of the state disaster organisations.
- Improved resources were allotted to revamp the disaster plan due to the impending accreditation due in June 1996, this would be under the Australian Council of Healthcare Standards.
- The disaster exercise which had just taken place on the previous weekend at the Hobart Airport which brought together all services.

- And the exercise from the year before that used the Tasman Peninsular as a hypothetical situation for a disaster exercise.
- On the Port Arthur weekend, the fact of conducting an EMST course at the Clinical School adjacent to Royal Hobart, this included many of the Southern Region's key players in trauma management.
- Having the two individuals with the most detailed knowledge of the disaster plan available on the day, Dr Smart, Director of Emergency Medicine was working on the floor in the Emergency Department, and Dr Franks, Director of Retrieval Services was on call that day.
- It was possible to have double nursing staff on hand because the Port Arthur event occurred at the changeover of nursing staffing.

The hospital was placed on alert at 1.50PM following a phone call from paramedic Warwick Allen of the Tasmanian Ambulance Service, his call to Dr David Smart warned that the disaster plan ***Operation Code Brown,*** might need to be implemented, the final draft of Code Brown had just been completed two days prior following several months of revision.

At that time, most of the doctors that attended the mornings seminar on Early Management of Severe Trauma [EMST] were still in Hobart awaiting flights home to other parts of Australia.
One of the scenarios for the 25 specialised doctors that morning had been a multiple shooting, this was conducted by the director of surgery, Dr Stephen Wilkinson.

A second phone call from Warwick Allen reported that the injury and death toll at Port Arthur was much higher with perhaps fourteen dead and ten wounded, Operation Code Brown would now be implemented, by the time the first patient arrived by helicopter at 3.18PM, there were 40 doctors on duty in the emergency department with five operating theatres ready and available, 45 beds had been set aside and eight resuscitation teams were on alert.

The most critical patients were transported by helicopter, the first being dispatched at 1456 hours, with further injured leaving by helicopter at 1507, 1540, 1555 and at 1616, the first patient reaching Royal Hobart at 1518.
The remaining 13 patients were transported by four road ambulances and a bus, relatives of the injured also travelled on the bus.

Following the siege at Seascape that concluded on Monday morning, Martin Bryant was transported by road ambulance after being treated by Paramedics for his significant burns, he was also taken to Royal Hobart Hospital, a Police escort accompanied the ambulance.

The driving forces behind the updating of the Disaster Plan included an inadequate relationship to the requirements of Standards Australia, the Australian Standard AS-4083 was used as a guide, this was apparently made easier because the CEO at the time not only had previous disaster experience, but also had a Defence Force background.

Clearly, the impetus for upgrading the disaster plans of Code Brown were driven by Government, the RHH was preparing for accreditation by the Australian Council of Healthcare Standards in June 1996, serendipitous events, possibly yes, possibly not.

A victim being transported by Helicopter.

One thing is very clear, that the combined efforts of the Royal Hobart Hospital, the Ambulance Service, the First Aid volunteers and Staff at Port Arthur, were able to deliver exemplary first aid to the survivors without loss of life.

CHAPTER 6
MARTIN BRYANTS BACKGROUND.

He was gentle and kind.
Petra Wilmott

Petra Wilmott had known Martin for some three months, she applied to do gardening for him, after a week they became boyfriend and girlfriend, if Martin was lonely before, he must have been somewhat content having Petra in his life.
While the Media have demonised Bryant following his apprehension, Petra Wilmott did not see him as being a violent or angry person, many acquaintances in fact knew him as being gentle, kind, polite, childlike and liking children, quite the opposite to the performance as the gunman at Port Arthur on that day.

Martin seems reasonably happy to me, he has schizophrenia, but seems to be OK.
He doesn't remember a lot of things that I say to him and he forgets what he's doing sometimes. Martin has never been violent towards me or Carlene, he has never verbally abused me.
I can't think of anything that would motivate Martin to go on a shooting frenzy, the Martin I know is gentle.
The videos we would watch were always bought by Martin, they were usually action videos, by that I mean Jacky Chan, which is karate, a couple with Stephen Segal, one with Sylvester Stallone, and one week Arnold Schwartzneger.
In all the action parts he would comment like "that's good". We would often go to the theatre, we went and saw "Casino", in that they were torturing a man, and they went to squash his fingers, Martin said it was too violent so we left.
[Sworn Statements: Petra Wilmott]

Martin Bryant is the eldest child of Maurice and Carleen Bryant, born on May 7th 1967, Martin has a younger sister, Lindy.
In 1974 he attended Friends' School in Hobart, later he went to New Town High School, apparently the only subjects he enjoyed were woodwork and metalwork.

About 1991 he started living full time with Helen Mary Elizabeth Harvey, a Tattersall's heiress, this was at a 30 hectare farm she had bought at Copping.
Since childhood, Martin had done odd jobs for her at the Clare Street house in New Town. Miss Harvey was killed when her Mazda 121 veered into an oncoming Ford Fairmont near Copping on the 20th October 1992, Martin was seriously injured in the collision, he consequently spent some months in hospital with neck and spinal injuries.

After the accident Bryant was admitted to Hospital and x-rays of cervical spine revealed evidence of bilateral fractures through both his first and second cervical vertebrae. That was an injury for which he received treatment and then your Honour was released from Hospital.
[Court Document page 315]

Miss Harvey bequeathed the entire estate to Martin in her will dated 13th December 1991, the value of the estate was $650,000.

In August 1993, Maurice Bryant's body was found in a dam on the Copping property, he had diving weights around his body, in July 1994 the Coroner found his drowning consistent with suicide.
Martin then sold the farm at Copping for $145,000 and moved to the New Town property.

Martin Bryant

Martin Bryant's travel details.
Martin Bryant loved to travel, he often travelled to Melbourne on the *Spirit Of Tasmania*, staying at the luxury Regent Hotel.
In early 1996 he travelled to Disneyland and to London, he had planned to travel again in May 1996, but constraints had been placed on his spending by Perpetual Trustees..

Here is a resume of his travels as read to the Court. Take note that Martin Bryant had never travelled to Hawaii. "Jamie" comments on this during the siege.

The travel internationally in recent years shall we say since the death of Miss Harvey, in December '93 he flew from Melbourne to Singapore and returned three days later.

In April '94 he flew to Melbourne to Bangkok to London, that is on the 19th April. On the 25th April he flew from London to Sweden. On the 30th April he flew from Sweden to the United Kingdom. On the 3rd May he flew from the U.K. to Los Angeles. On the 7th May he flew from Los Angeles to Melbourne. That's in May.
In July '94, he went from Sydney to Frankfurt on the 10th. He then went from Vienna to Frankfurt to Copenhagen on the 17th July. On the 22nd July, he flew from Frankfurt to Sydney. Then three and a half months later he flew from Melbourne to Bangkok to London, he then flew from London on the 11th November out of Heathrow, destination unknown. On the 28th November he returned to the United Kingdom and flew back to Australia on the 30th November

In '95 in early February, he flew from Melbourne to Auckland, he then flew four days later to Los Angeles, six days later from Miami he flew to Frankfurt, six days later he flew from Frankfurt to Miami, five days later he flew from Los Angeles to Auckland and Melbourne. Two and a half months later he flew from Melbourne to Sydney to Bangkok to London. Five days after that he arrived in Germany, based upon a passport stamp. Five days later he was in Poland –
one day later he was back in Germany, two days later he flew from London to Bangkok to Sydney.

Your Honour, in 1995 – in June, that is, only one fortnight later, he flew from Hobart to Melbourne then Melbourne, Bangkok, Frankfurt and then two weeks later he flew Frankfurt to Singapore to Sydney. Then three weeks later he flew Hobart, Sydney, Los Angeles, six days later he flew Los Angeles, Tokyo and two days later, Tokyo to Melbourne. Then a month later he flew Hobart, Melbourne to Kuala Lumpur where he lasted two days and flew from there to Bangkok and then flew back to Sydney.

And obviously by '96 there were some constraints being imposed but five months after that last Bangkok trip in late January he flew Melbourne, Sydney, Bangkok, London and stayed in London six days and flew back to Melbourne. That is excluding his interstate travel and there are four pages of details of interstate travel over the period of time – sorry, three pages, your Honour, over the period of time after Miss Harvey's death.
[Court Document pages 319, 320, 321]

Martin Bryant's Personality.
Character assassination is as old as civilisation, following Port Arthur and the recovery of Martin Bryant from Seascape, the Media certainly managed to flesh out the disparaging remarks about him.

One thing is very clear concerning Martin Bryant, and that is that there is a lot of background information available, and that many people have given their stories and their opinions about his past.

Unfortunately, many tellers of these stories have been guided by the peer pressure of the Media, who clearly had a major part in shaping public opinion towards a guilty verdict, regardless of required due process of law and justice.

Martin's father Maurice Bryant, was British, having emigrated to Australia in 1952, thus Martin Bryant was reportedly polite and well spoken, very much the opposite of what people were to witness during the events of Port Arthur.

Lutheran Pastor, John Heidenreich said that, *He was friendly, a likeable bloke, probably a bit slow, but very polite.*
Neighbour Vonny Heidenreich described him thus, *He was a polite shy young man.*

Local shop owner Jim Laycock, *I never once saw any sign of agitation, or any reason to doubt that he was just a simple person, he was always gentle, he was quiet, he spoke very softly.*
Another shop owner stated, *We never saw any anger in him.*

A lady that once dated Martin, Yvonne Briggs, *He was a true gentleman, he was lovely.*
And girlfriend of some three months before the event, Petra Wilmott, said afterwards that, *He was gentle and kind.*

Hours after he was taken into custody, a bizarre picture emerged of Bryant: he is a young and wealthy benefactor of a Tattersall's heiress; he lived in a mansion; he was hated by neighbors; and he had only recently developed a fondness for guns. Moreover, two people close to him - including his father - have recently died suspiciously.
[The Age 30th April 1996]

Copping farmer Barry Featherstone said yesterday Martin Bryant had threatened to shoot him the day they met.
[The Mercury 30th April 1996]

Guardianship order placed on Martin Bryant.
Martin Bryant was made subject to a guardianship order on 22nd April 1994, this was done at a private hearing conducted in Martin's absence. The Supreme Court ruling resulted from an examination by doctors from the *Health and Community Services Department*, he was found to be suffering from a personality disorder and schizophrenia
This rendered him incapable of managing his own affairs and property. The financial aspects of this order were henceforth handled by Perpetual Trustees.
[Herald Sun 5th May 1996]

An accidental slur during the Sentencing hearing.
This slip up was read in Court by Bryants own defence lawer John Avery.
Like many things in Court, once said they can be withdrawn, you can tell the Jury to "disregard", but of course once you have sown the seed you have succeeded in implanting the thought or suggestion!
He described his pleasure in life as watching the television, music and ***killing.*** *– sorry, I'll reread that. "Mr Bryant described his pleasure in life as watching the television, music and drinking. The music that he most favoured was the sound track of the Lion King and records made by Cliff Richard. On direct questioning he acknowledged that he spent a considerable amount of time watching videos and going to the pictures.*

The smear pertaining to explicit videos.
Much has been made of Martin Bryants collection of obscene and violent videos, and yet this report appeared in the Age, clarifying much of the innuendo that had already been circulating with damaging effect.
The case for censorship has been given a boost by allegations that the infamous murderer of Port Arthur, Martin Bryant, was wont to watch sexually explicit and violent videos. In fact, there is no evidence for this and, as has been pointed out by our chief official censor, the director of the Office of Film and Literature Classification, John Dickie, the collection of videos found at Bryant's home was largely innocuous, with a few standard violent items. It is a red herring
[The Age 6th February 1997]

CHAPTER 7
THE SOURCE OF THE AR15 AND THE FN FAL MURDER WEAPONS.

My rifle also had a collapsible stock and a Colt sight,
just as the massacre weapon has.
I did the right thing and handed the weapon in,
and if the Police put it back into the Australian community
I would be disgusted.
Bill Drysdale

It has been commonly reported or inferred in the Media that Martin Bryant owned the weapons used at Port Arthur. This is somewhat of a grey area, despite some very concerted efforts by the Police and the Prosecution, they were unable to prove a connection between Bryant and the murder weapons.
Martin Bryant did however own an AR10, but the rifle used at Port Arthur was an AR15, besides, Bryant's AR10 was not working, and the Police recovered it from Terry Hill's gunshop where it had been awaiting repairs since the 24th of March!

When Mr. Bill Drysdale of Yea in Victoria, claimed shortly after the massacre that the Port Arthur weapon may have been his surrendered weapon from the previous year, he really set the cat amongst the pigeons. The Victoria Police have had their shoddy weapon disposal systems exposed. The very fact that Mr Drysdale's AR15 **was** used by the Special Operations Group, and that promises made about the gun's disposal **were not** kept, surely even now must raise more questions than answers!

Police admit to selling banned guns.
It was reported after the massacre that the Victorian Police had admitted to selling banned guns that had been surrendered to a Bendigo arms dealer.
Deputy Commissioner Graham Sinclair confirmed that 17 rifles had been given to the elite Special Operations Group, when a need arose to change to more modern weaponry, the police received almost $40,000 for the AR15s when sold.
Mr Garnet Featherstone of Granite Arms, Bendigo, denied buying the AR15s from police, however, Mr *Ivan Rehlicki, owner of Relic Custom in Greenborough said that he bought four of the powerful AR15s from Granite Arms last year.*
Apparently a number of government departments are forced by budget restrictions to trade in firearm components to make ends meet.
A Herald Sun investigation team also discovered that Police had failed to record in the police firearms database, the serial numbers of the weapons sold.
[Herald Sun 16th June 1996]

Mr Drysdale believed that the Port Arthur weapon was the one he surrendered.
Bill Drysdale handed in his AR15 to the Victoria Police in February 1993, he was assured that the gun would be sent overseas and used for military purposes.
Conversely, police records also show that the gun was destroyed on the 9th March 1994. This has since been proved to be incorrect.

Mr Drysdale told the Sunday Herald Sun that a mark on the barrel of the Port Arthur weapon, described to him by Inspector Maxwell, matched a mark on his rifle made by his gunsmith. My rifle also had a collapsible stock and a Colt sight, just as the massacre weapon has, he said, I did the right thing and handed the weapon in, and if the Police put it back into the Australian community I would be disgusted.
They told me it would be sent overseas and used for military purposes.
[Herald Sun June 23rd 1996]

A spokesman for one of Australia's largest firearms importers said that the firearms matching the Port Arthur weapon were ***as scarce as hen's teeth*** and the chances of two identical weapons with almost identical serial numbers being imported is ***next to nothing***.
Police have dismissed Mr Drysdale's claims, saying that although the serial number of his weapon is close to that of the Port Arthur gun, and the descriptions match, records show that Mr Drysdale's gun was destroyed on March 9 1994, 14 months after it was surrendered to police at Yea.
[Herald Sun 23rd June 1996]

Ed. The C-AR15 with a collapsible stock is relatively rare, the AR15 recovered from Seascape after the siege was also a C-AR15, the same as Mr Drysdale's.
As pointed out, the Police claim that the gun was destroyed was simply not correct.

Response from Graham Sinclair, Assistant Commissioner, Victoria Police.
It should be clearly understood that the force has sold 15 surrendered and two confiscated weapons, which were all semi-automatic centre fire rifles known as Colt AR15, .223 calibre, and all were surrendered between 1988 and 1992.
Ed. This also does not seem correct, as Mr Drysdale's gun was surrendered in February 1993.

He further explained that, upon surrender, ownership passed to the State, and that the weapons were retained under the Firearms Regulations for use by the Special Operations Group.
Compensation having ranged to the original owners between $900 and $1700.
Ed. This tallies with Mr Drysdale's stated compensation of $1700.

In due course the weapons were seen to be of no further use and were sold by tender under the belief that the weapons were to be sold overseas by the successful tenderer.
Further, that a credit of $32,164 was obtained for the guns, and new firearms were then obtained for the SOG in return.

It was also explained that, *One of the weapons was sold privately in Victoria to an approved purchaser, and four others were sold to a gun dealer in Victoria. Of those four, three have been sold to approved buyers who live in Victoria. The remaining weapons were all sold outside Victoria to gun dealers in Queensland and South Australia.*
[Geelong Advertiser 25th June 1996]
Ed. The whole story of Mr Drysdale's AR15 is beyond my capabilities to unravel and understand , this aspect of the AR15s has certainly stretched Police credibility to the maximum, the public have also been assured that in-house ballistic testing has proved that the Port Arthur weapon is not a ballistic match.
The proof of this testing has not reached the public domain.

One of the weakest parts of the prosecutions case against Martin Bryant would have to be the absolute failure to prove his connection with the murder weapon.
While there is admission and corroboration as to his ownership of an AR10 semi-automatic rifle, there was no means of actually connecting Bryant with the AR15 murder weapon that was used in the Broad Arrow Café.

The AR10 was purchased in either October or November of 1993 through a newspaper advertisement, [Court Document p53] it's history is no mystery and certainly no secret, and it is not incriminating.

Martin Bryant took his AR10 in for repair on the 24th March 1996, he presented it barrel first to Mr Hill who then discovered it loaded with soft point ammunition, including a round in the chamber.

Mr Hill was shocked and asked him why he was carrying the rifle around in a loaded condition, he also asked Bryant if he had a license for the rifle, Bryant then produced a normal Tasmanian type photographic license, upon closer inspection it was marked for prohibited and automatic weapons.

On the Tuesday before Port Arthur, Martin Bryant visited gun repairer Stewart Woods who had a small business in New Town, actually, the only gun repairer in Hobart.
There was another customer in the shop so Bryant looked around while he waited, after the other person left, he asked could Woods fix his rifle that wasn't working, and that he thought there were parts missing or broken, the gun was an AR10, a 7.62mm ex-military rifle.
Ed. The AR10 was of course at Terry Hill's gunshop awaiting repair.
Woods noted Bryant's white hair and his pale complexion, and refelcted that he didn't know all that much about guns.

Bryant walked in to the shop and Woods recognised him as a past visitor. He'd been there twice in the past six months, but Woods couldn't remember what the young man had wanted...
After the other customer left, Bryant asked Woods whether he could fix his rifle. It was an AR10, a 7.62mm ex-military rifle. Bryant said it wasn't working, and he thought there were parts missing or broken.
Bryant had not brought the rifle with him. Woods said he'd have to see the firearm first, but he thought with the parts he had in the workshop, he could possibly help. But

not in a hurry; being the only repairer in a town of 218,000 people, he has a whole wall of guns with repair tags fixed to them.
It would be at least two to three weeks before he could get around to fixing Bryant's. Bryant seemed in a bit of a hurry. "Oh, I'll get you later, " he said, and left the shop.
[Age 3rd May 1996]

Bryant's admission of purchasing an AR15 was unsupported by any proof.
During the sentencing hearing, it was inferred that Mr Terrence Hill, the owner of Guns and Ammo in Hobart, had sold weapons to Martin Bryant.
In a filmed police interview which has been played to the Tasmanian Supreme Court, Bryant said he bought a colt AR15 and a Daewoo 12-gauge shotgun from Mr Terry Hill, the owner of Guns and Ammo in New Town Road, New Town, without being asked to show a licence.
[The Age 22nd November 1996]
This was denied by Mr Hill who stated that he sold him three boxes of shot gun ammunition after being shown a license in the name of Martin Bryant or Martin Ryan, he did not sell any guns to him.

A spokesman for Tasmania Police, Mr Geoff Easton, said according to the Tasmanian Gun Registry, no licence had been issued in the name of Martin Bryant or Martin Ryan.
Mr Hill said he was shocked when Bryant, a calm and polite "yuppie", came to his shop in March with a fully loaded Armalite AR10 military rifle wrapped in a towel and asked for it to be fixed.
In a statement to police two days after the massacre, Mr Hill said: "He handed the rifle to me, barrel pointing in my direction, and said words to the effect of 'I think there's something wrong with it'. I immediately checked the rifle and found it to have the magazine still in, containing a number of soft point ammunition rounds."
[The Age 22nd November 1996]
Ed. The fact that no license had been issued does not negate the possibility that Bryant was issued with a forged license by a third party.

How absolutely amazing, that Bryant did not know anything about unloading a rifle before transporting it, or handing it to someone while it was fully loaded, and yet at Port Arthur and Seascape he was extremely proficient in all shooting aspects, including night vision scopes.

Police response to previous threat to Terry Hill.
Police revoked Mr Hills' gun dealership licence and confiscated guns worth about $80,000 when they raided his shop on 2 November because he did not comply with legislative requirements relating to gun dealers.
[The Age 22nd November 1996]
This action was in clear response to the indemnity offered to Terry Hill in June if he was prepared to accept that he did sell guns to Bryant. This "offer" of course was rejected by Hill who was not prepared to perjure himself and admit to something that he stated never happened.
In a private conversation that was had between the writer and Inspector Payne, Inspector Payne made it abundantly clear that Police have very strong evidence to suggest that you did in fact sell guns to Bryant and unless you are prepared to in

effect change your story, they will press on and try and find sufficient evidence to charge you with some offences.
However, it was also made abundantly clear to you that the Director of Public Prosecutions is prepared to offer you an indemnity against prosecution if you are prepared to accept that you did sell guns to Bryant.
[Letter to Terrence Hill from John Avery 6th June 1996]

The excerpt from the Police Interrogation relating to the AR15.
During this interrogation, which incidentally was without legal representation being present, Martin Bryant claims that he purchased an AR15 from Terry Hill, this could not be substantiated in any way, and the source of the FN FAL seems even more of a mystery.
Bryant appears to be confused about the similar looking guns.
It is beyond my resources to fathom the truth of the matter, just as it was for the DPP to present the real facts or to prove the "confession".
Another matter that hopefully a Royal Commission can resolve.

Interrogation transcript.
Q. Now this is a ahh, point two two three Remington.
A. It's a mess isn't it.
Q. Or a Colt AR15.
A. Yeah, Colt. Been burnt.
Q. Do you remember where you bought that one?
A. Yeah Terry Hill, Terry Hill.
Q. At Guns and Ammo?
A. Mmm.
Q. How long ago?
A. Month after, ahh before that one, five months ... (inaudible)
Q. Could you speak up again?
A. Five months ago I bought that one.
Q. Five months ago. And you can remember how much you paid for that one?
A. Ahh, five grand with the scope.
Q. Five.
A. Five thousand dollars with the scope on it. It was gonna be four and a half thousand without the scope but it was five thousand with the scope and strap and also got, got some ammunition thrown in.
Q. So that scope that's on it now was on it when you purchased it?
A. Yes. But it was a different color, it was darker.
WARREN
Q. Is that a ahh, special scope?
A. Has it been burnt, must've been burnt, yeah.
PAINE
Q. Is that a special scope?
A. Yes, it was a Colt or a special.
WARREN
Q. Alright, what, what's sort of special about it bearing in mind I don't know too much about firearms Martin but?
A. Can I just look through it, am I allowed to have a look through the scope. Yeah. That's a special one for the gun itself.

Q. Right.
A. Especially made for it.
PAINE
Q. Did you have it especially made for the gun or was it in stock and just came with the gun?
A. Terry Hill said umm, there's extras with that AR15, and I said well I'd be interested in some extras, but he said it'll cost you more. He said there's a scope, little Colt scope that goes with it and he said a strap and some ammo and he said it'll cost you five hundred dollars more.
Q. Yeah. Alright, the next one we'll look at is a ahh, a three 0 eight ahh, calibre, FN weapon.
A. Mmm.
Q. Do you remember where?
A. I've never seen that one before. Never. That's not one of mine.
Q. You sure?
A. No definitely not, never seen that in my life. It's nice though.

WARREN
Q. Have you ever had a three 0 eight?
A. Three 0 eight, yes. Had a three 0 eight.
Q. Mmm.
A. That was one Terry Hill was repairing.
PAINE
Q. Ill just ask Mr Warren to pick up a scope we have there on the floor because that might be causing the confusion. I believe that that scope was probably fitted to that gun before we got it. Now does that.
A. No I've never seen that scope before in my life. Never. No. No I've never. Never seen that scope in my life.
Q. Now you say you've never seen that three 0 eight before but you did in fact own a three 0
eight?
A. Yeah, definitely.
Q. Right.
A. ... (inaudible) ..., AR10.
Q. Just a sec, before I go onto that. Where did you get the three 0 eight that?
A. I bought the three 0 eight about, this is going back six, seven years now.
Q. Yes.
A. Out of a paper, out of the Mercury.
Q. Out of the Mercury?
A. Yes
Q. Alright, we'll have a look at the last gun which is on the floor. And this is a point two two three calibre self-loading rifle.
A. Yep. I've never seen that one before. Mmm.
Q. Well we recovered that one.
A. It's nice isn't it.
Q. Ahh, from ahh, I believe, ahh, from a repairer, being repaired.
A. Mmm.
Q. Does that ring any bells?
A. Repairer. I've.

Q. Have you got any guns at the moment or did you have any guns.
A. That one was repaired for me, that other one, the AR10. That, I took over to Terry Hill.
Q. Ohh, so I've got them confused.
A. Yeah.
Q. That one was okay but the AR10 you had over at Terry Hill's being repaired?
A. Yes. Yes.
Q. Right, I see.
Q. Martin, just be, while, before I forget it, can we have a look at the three 0 eight again please Mr Warren. The one with the scope. I'd like you to have a closer look at, look at it.
WARREN
Q. If I hold it up with the scope, you might.
PAINE
Q. If Mr Warren holds it like that.
A. Yeah. No, no, I've never seen that one before. Never.
Q. Gees I'll say. Hey Martin, what, sorry I keep going back to these guns. What did you, ahh, you know you said you went a couple of time to practise shooting, where did you go?
A. I used to only go to one spot, between Dunnalley and Eagle Hawk Neck, there's a turnoff there, just past Mundunna there on the left, there's a road, a couple of roads as you just go.
Q. So.
A. To shoot at trees, see if the guns like a.
Q. Just let me get this straight, you go through Dunalley?
A. Yes.
Q. Towards Eagle Hawk Neck?
A. Through Murdanna, so you go past Murdanna, between Murdanna and Eagle Hawk Neck, there's a forestry place there.
Q. Ohh yeah.
A. A couple of roads.
Q. And just turn up to the left and.
A. Used shoot a few tin cans.
Q. Ohh right. Bottles?
A. Bottles, no not bottles 'cos they break and they could injure animals and.

Ed. Bryant seems to be considerate and gentle.

Q. Did you ever make.
A. I never used to shoot the animals.
Q. Sorry about that. Did you ever make your own targets to shoot?
A. I had a couple of targets on boards.
Q. Did you.
A. Cardboard usually.
Q. And how many times would you have shot 'em?
A. Ohh four or five times, then I used to put the gun back in the car and used to leave and go home.
Q. And did you take the targets with you?
A. Yes.

Q. Ohh right.
A. But they were just home-made targets out of cardboard.
Q. Yeah. What did they, what did you draw on them?
A. I used to draw circles.
Q. Circles. And umm, when you practised your shooting, did you, where did you hold the gun?
A. Up like this, on my left.
Q. So you're left-handed?

Ed. All the shooting at Port Arthur was right handed.

A. Umm, I write with this hand.
Q. Ohh that's right, sorry, yeah.
A. I, but this is me finger.
Q. So if you held a gun, you would pull the trigger with your, a finger on your left hand?
A. Yeah that's right, yeah.

Ed. Confusing the issue.

Q. Ohh right. And aah, did you ever practise shooting from the hip?
A. No never.
Q. Never?
A. Uhh uhh.

Ed. Most of the shooting in the Café was from the right hip.

Q. Ohh right. And did you get pretty accurate?
A. No not really 'cos like I said I only used that AR15 about twenty rounds in that one and, and not many round, more rounds in the AR10. So, and I, I never got round to using the shotgun because of it .. (inaudible) ... I heard from Terry that it had a bit of power to it.

Ed. What about his other gun, the point two-two-three calibre Australia automatic arms self-loading rifle.

Q. I might add, with all the people that were shot, were either shot with those two weapons closest to us over there, your weapons.
A. Yeah ... No, not the one with the scope, I don't know that, never seen that one before. Mmm. I'm not signing anything.
Q. Mr O'Garey will deal with that.
A. Not until me lawyer sees me. I'm sure you'll find the person who caused all this. Me.
Q. I don't find that a very funny statement at all Martin, to be quite honest.
A. You should've put that on recording.
Q. Ohh it's still recording at this present stage. So that is on recording.
WARREN
Q. Like I said to you before Martin, ahh, like I said before mate, umm, we are looking at the person responsible.

PAINE
Q. I'll go and get Superintendent O'Garey.
A. I must need a lawyer then ... inaudible ..
WARREN
Q. You tell me.
A. ... inaudible ..
Q. We'd really like to know why mate because you know, I mean, it's ... inaudible ..
A. I'd really love to help you out ... inaudible ... but I can't. Have you had other trouble like this, dramatic?
Q. Not on this scale, no.
A. No. S'pose it happens, doesn't it.

CHAPTER 8
PLANNING FOR A MASSACRE.

The general who wins the battle
makes many calculations in his temple before the battle is fought.
The general who loses makes but few calculations beforehand.
Sun Tzu

The Port Arthur massacre, despite the horror and callous nature of the event, required to be planned out in great detail, it certainly ran very smoothly as far as the perpetrator on the day was concerned.
The Police were successfully decoyed away from the area at just the right time, the gunman had no difficulty in escaping from Port Arthur without injury or apprehension, he was not troubled to return to Seascape where preparations for the siege were in place

He also managed to create an event that horrified every decent person in Australia, adding additional disgust and contempt for killing small children with such indifference that he must have enraged every parent in the world.
Then, there is the selection of weaponry for the appropriate purpose, the AR15 with its higher velocity bullets for maximum carnage, and the heavier FN FAL for more stopping power during his escape, the high capacity Daewoo shotgun for close crowd control.
And what are we to make of the petrol and firelighters in the Volvo, possibly they were part of a plan to make the M.L. Bundeena the target

Surely no one could believe that this entire operation could take place without a great deal of planning and preparation.
If Martin Bryant was the sole perpetrator involved with Port Arthur, then the Crown hypothesis makes little sense, and if there was someone else involved with the event, then that somebody else was possibly involved in the planning.

And, if there was, then one would have to look at Bryant's pre-massacre activities in a different light, from enquiries at the busline, and purchasing and storing gun related items, to making himself extremely conspicuous during the journey that Sunday morning with trivial purchases.

The unique room in Bryant's house at Clare Street.
Dr Ian Sale: *One of the odd things about the house, was that some rooms were very cluttered, and others were very sparsely furnished, and again, this added to the feeling of oddness.*
For example, there was a room where there was some magazines on firearms and ammunition, but, there were only about two chairs in that entire room. And it was quite a contrast say, to some of the bedrooms where you could barely move about, there was so much in it...
Judy Tierney: *And what did you make of seeing the gun magazines in a room, and just two chairs?*

Dr Ian Sale: *Well, then again there was this feeling of oddness about the place, the gun magazines only went back a short period too, there was no sign of this had been a long term interest. In fact, there was no sign of anything being a long term interest, other than perhaps the videos.*
[Stateline Interview]

This interview took place after Martin Bryant's plea change, it recounted Dr Ian Sale's interview with Bryant at Risdon Prison.
Considering that Ian Sale could not ***identify the motivation*** during the interview, this room is worth some pondering. It has been stated that the massacre had been in Bryant's mind for some five years, and yet the gun magazines are only recent.
One would have to consider whether this room was specially prepared to provide the motivation, a room with no distractions, and who was the other chair for, with only gun related magazines, hardly for Petra Wilmott.
It is extremely unlikely that Bryant with his poor learning skills, was able to teach himself all the facets required for the massacre, someone else had to instruct him, someone else had to train him, the weaponry choice and the close quarter technique, the practise required at a gun range, these matters have not been sought for, just as this special room has been overlooked.

The close quarter combat skills of Martin Bryant.
This is a major question mark, how Martin Bryant gained the close quarter combat knowledge, and training, necessary to kill so many people so efficiently and with such speed, his stance was mentioned by a number of survivors.
The footwork displayed in the Broad Arrow is very indicative of expert technique, taking small footsteps to keep the body balanced and the gun aimed.

Retired brigadier Francis Phillip ("Ted") Serong, DSO, OBE, is a revered figure among Freedom Scouts and other militia groups. Ian Murphy refers to Serong's recent book, Defence of Australia Analysis, as "our Bible". (It describes Australia's defence forces as broke and hopelessly ill-equipped to deal with an invasion from the likes of Indonesia, an assessment well supported in the broader community.) In Vietnam, where he was commander of Australian forces from 1962 to 1965, Serong was reportedly a brilliant but "enigmatic" jungle warfare tactician whose private audiences with then US President Richard Nixon were much resented by American generals in the field.
Often depicted as a caricature of the hawkish Right, the staunch anti-communist retired from the army in 1968, staying in Vietnam as an adviser to the South Vietnamese and US governments until war's end in 1975. Something of a mystery figure, he lives in Melbourne and rarely gives interviews.
Where does Serong stand on the Martin-Bryant-didn't-do-it theories? He believes them. What's more, he's prepared to say so publicly. ***"There was an almost satanic accuracy to that shooting performance,"*** *he suggests.* ***"Whoever did it is better than I am, and there are not too many people around better than I am."*** *(At 83, he probably means in his heyday.)* ***"Whoever did it,"*** *he says again,* ***"has skills way beyond anything that could reasonably have been expected from this chap Bryant ... If it was someone of only average skills, there would have been many less killed and many more wounded. It was the astonishing proportion of killed to wounded that made me open my eyes first off."***

He thinks more than one killer was involved. ***"It was part of a deliberate attempt to disarm the population, but I don't believe John Howard or his Government were involved. Howard is being led down a track. He doesn't know where it's leading, and he doesn't much care..."***
Can he suggest who was behind the alleged conspiracy? ***"I could, but I won't."***
[The Age: A few bullets short of a militia: 10th April 1999]

The next thing I recall, I was under the table, and I can remember seeing his feet moving quickly, he appeared to be prancing, or something similar.
[Sworn Statement: Maree Broome 15th May 1996]

He was in the area diagonally across from me, he seemed to be like waltzing around, shooting from the hip area.
[Sworn Statement: Ronald Fowler 30th April 1996]

I could see he was holding what I thought was a rifle in his right hand at hip level, I got to about a metre away from the lattice, when I noticed that the male shuffled further forward a bit more towards our table.
[Sworn Statement: John Riviere 1st August 1996]

He appeared to be the best trained army guy I've ever seen, his stance was unbelievable
[Sworn Statement: Neville Quin 18th July 1996]

Preparations for a disaster.
Then of course one must at least consider, the many serendipitous events that occurred on the day, and during the preceding week, if a Royal Commission finds that they were simply an amazing series of coincidences, then I for one would be greatly relieved.

Knowledge of the local Police contingency.
Port Arthur was originally chosen as a convict settlement for its remoteness, something that the planners must have certainly realised, even in present times it is still very remote, the nearest Police officer is stationed 11 kilometres away at Nubeena, the next officer is stationed a further 40 kilometres away at Dunalley, both are single person police stations.

We know that the gunman knew these details because of two incidents that are on public record, the first one is that before the massacre both police had been decoyed to a remote part of the peninsular called Saltwater River.
There was an anonymous phone call that claimed that a drug stash had been found there, all the police found at the scene was a jar filled with soap powder, this placed both local police 25 minutes away from Port Arthur just as the massacre commenced!
Such a major part of the days planning seemed to have escaped the attention of the Police Interrogators and also the Court processes, possibly they could not see a means by which Martin Bryant could be remotely connected with this part of the days proceedings.
The "anonymous" phone call had to made at about 12.45pm.

According to the DPP version of the day, Martin Bryant should have been talking to the people at the broken down car at this time, whatever, the important point is that the powers that be chose to ignore this facet of the planning.

The second incident on public record is that the gunman had intimate knowledge of the officer stationed at Nubeena, during the siege one of the terrorists phoned the residence of the Nubeena Police Station at 3:08 PM and and spoke to Merryn Craig. Miss Craig was the girlfriend of Constable Paul Hyland, immediately following the call she made notes of the conversation that had occurred.
The caller spoke in a very calm voice, he made the following comments...
Am I speaking with the policeman's ??? (Word drowned out by barking dogs.)
Is that your dogs barking?
Do you know where your husband is?
Miss Craig *Who is this?*
Jamie, you can just call me Jamie.
Do you know if he is okay?
I know.
I know where Mr Hyland is.
The last comment was made in a mocking tone...
Playing with yourself, are we?
Ed. This conversation indicates that Jamie not only knew about who was stationed at Nubeena and his girlfriend, but that he knew exactly where Constable Hyland was either by listening to police radio transmissions, or by having recognised him through a telescopic sight.

The gunman also had to know how long it would take the Hobart police to respond via helicopter, he had to know that he could complete the initial shooting at Port Arthur, and escape to the Seascape property without fear of being apprehended, as it turned out, the entire time from commencing shooting in the Broad Arrow, to setting the BMW alight was less than 30 minutes.
Journey time by road from Hobart is approximately an hour and a quarter drive, by helicopter it is twelve minutes, from the initial report to mobilisation of forces the gunman would not be endangered from Hobart.

It was also a requirement to have a radio scanner and to know what frequencies were allotted to police and emergency services, not an easy matter to find out, also an important topic left out of the Interrogation, and the DPPs information.

A prior reconnaissance of the Port Arthur Site was necessary.
On site security is another matter that would have to be checked out previously, at Port Arthur a part time security person was employed, his duties were to transfer cash between locations, to supervise the parking of cars, and to check that visitors had tickets to enter the site.
Ian Kingston was this person, he was trained and registered as a security guard, but was unarmed since being employed there from 1995.

The gunman also had to choose his target for maximum effect between the Broad Arrow Café, and the Ferry to the *Isle of the Dead*.

From comments and conversations made beforehand, it was clear that his primary target was to be the Ferry M.L. Bundeena, when fully booked the Bundeena carries 120 passengers, that means that at the changeover from one trip to the next there could be up to 240 people at the pier.
With such a large crowd of people in one area it is obvious why the Daewoo Shotgun was included as part of the arsenal, there would be a large crowd milling on the pier waiting for the Edina to berth, these people would need to be scattered with the shotgun before the helpless victims on the Ferry could be safely dispatched.
Prior comments that indicated this choice included the following from the court transcript
On his way to Port Arthur he stopped to speak with two persons whose motor vehicle had over-heated and was stationary on the roadside. That was just past the Seascape property. Bryant chatted to them briefly and was asked if he was going surfing because of the surf board on the roof racks.
He replied, "No, I'm going to the ***Isle of the Dead*** *to get rid of some wasps". He then suggested that they meet later at the café at Port Arthur when he said, "You can shout me a cup of coffee."*
[Court Document pages 67,68]

And also from the court document Mr Bugg states...
He clearly intended to cause maximum harm and there was no discrimination as to his choice of victims. It certainly appears that his initial intention may have been to travel to the ***Isle of the Dead*** *but certainly the killing of Mr and Mrs Martin on that day was the starting point of his murderous behaviour.*
[Court Document page 140]

And why did the gunman choose the Broad Arrow Café on the day, perhaps because the timetable for the Bundeena had just been altered from the Summer schedule to the Winter schedule, this meant that the departure time had altered from 1.30PM to 2.00PM.
The timing was critical, a half hour delay would mean that the decoyed police might be back in the vicinity.
It also would have meant that the fortuitous assistance from the team of specialist doctors at Royal Hobart would be lost as they would be at the airport and returning home to all parts of Australia.

One must wonder about the somewhat cryptic statement of early victim in the café Anthony Nightingale, upon the commencement of shooting in the Broad Arrow, Mr Nightingale stood up and said, ***No, no, not here!***

One would presume there may have been a prior visit to Port Arthur by the gunman to examine the Ferry site and the timetable, and possibly even a backup plan which would have been the Broad Arrow Café.

Equally important was the choice of venues for the siege, this had to be nearby, with suitable advantage for holding off an attacking force, it had to be relatively inaccessible from some directions on foot, and with a second storey for shooting advantage, the Seascape guesthouse fitted this description very nicely!

It had the extra advantage of being inhabited by an elderly couple, it was also somewhat relevant that the Martin's were known by the Bryant's, and that the Bryant's had coveted some property of David and Sally Martin's.

The choice of weapons and ensuring their survival for evidence.
The weaponry chosen for the task would have required technical knowledge well above the average weekend shooter, obviously the Daiwoo shotgun was chosen for its high magazine capacity.
Even more important was the choice of rifles, the AR15 with its .223 or 5.56mm calibre bullet has a muzzle velocity of 2970 feet per second with the 55grain charge as was used, this gives adequate capability of doing very nasty damage to human bodies out to quite some range.
It has a light recoil and thus is relatively easy to control during rapid fire

The FN FAL or Fabrique Nationale - Fusil Automatique Leger (Light Automatic Rifle) with a calibre of .308 Winchester or 7.62mm, has a muzzle velocity of 2700 feet per second with a 168 grain load, the actual load used on the day was slightly less with 144 grains, still a very potent bullet, the additional mass of the larger bullet will cause the bullet to exit whole through flesh and continue.

After the massacre and the siege, there is no explanation as to how the two weapons presumed to be the murder weapons, were the only two left outside the inferno of the guesthouse, that is, according to the ballistics report.
Normally the perpetrator would want to destroy the evidence, and what better way than in an inferno, but no, in this case the weapons from Port Arthur survived to self incriminate Martin Bryant.

The AR15 was found in ashes at the periphery of the guesthouse foundations according to the police, though no longer in working condition, the AR15 had not been exposed to the extreme heat in the centre of the fire.
The FN FAL had been found lying in the gutter of a nearby outbuilding, it had also been rendered inoperable, both weapons had thus been dealt with in similar fashion.

Escape for the accomplice.
If there was an accomplice, or someone that was at Seascape earlier on that Sunday that fired the gunshots heard by Andrew Simmons and Doug McCutcheon, then that person or persons could have departed while Bryant was at Port Arthur.
Even after the first reported Police arrived around 2pm, it would still not be impossible for another party to depart and leave Bryant to face the music alone, the property would not have been really secure until the SOG arrived at 1612 hours.

Even then, there was a perfect opportunity to depart immediately following the 6pm altercation at Seascape.
The author cannot say that this was planned ahead of time, but, the circumstances were absolutely ideal, with the Special Operations Group being forced to curtail their observation of Seascape while two illuminating flares were fired. The radio warning, and the failure of the first flare, presenting the ideal moment to sprint the 100 odd metres to the bay.
This will be covered with more detail in the chapter entitled *Siege at Seascape*.

CHAPTER 9
SOME POINTS TO PONDER.

I tender to the court the report of Professor Mullen dated 12th of November, 1996, together with his Curriculum Vitae, but given the import of this report I would ask to read it in its entirety
John Avery for the defence.

Fortunately, the Court Document is not the only source for this report, as the original document is complete, whereas the version as read to the Court had some very important paragraphs omitted.
The inferences that can be drawn from the withheld information are, that Martin Bryant's mental health was somewhat less than the Court was led to believe, or that he may have been subjected to some level of external influence.

Ghosts and the phrase "Come on, come on".
This phrase was elicited from Martin Bryant during the psychiatric assessment conducted by Forensic Psychiatrist Professor Paul Mullen, the interview took place on the 4th May 1996, while Bryant was still a patient in Royal Hobart Hospital.

Your Honour, the opinion upon which the defence places most reliance, however, is that of Professor P.E. Mullen, Forensic Psychiatrist, of 160 Nicholson Street, Fitzroy in Victoria. I tender to the court the report of Professor Mullen dated 12th of November, 1996, together with his Curriculum Vitae, but ***given the import of this report I would ask to read it in its entirety.***
[Court Document page 339]

Mr Bryant does report a degree of sleep disturbance in the months prior to the killings. It was difficult to characterise this, but it seemed to be a combination of difficulty getting off to sleep, sleep disturbed by nightmares and occasional early morning waking. He does not however report any decrease in appetite or an interest in his usual pleasure and pursuits. There has been no decrease in his libido. The picture that emerges was not suggestive of a depressive illness. It was a pattern more reminiscent of an angry and distressed man having increasing difficulties coping with his social isolation and his various disappointments. Nevertheless in this context Mr Bryant came to the conclusion that life for him was not worth living. He began to consider suicide for the first time about a year ago. He said "about 12 months ago I decided I'd had enough". The thoughts of suicide became more prominent in recent months.
Mr Bryant acknowledged that he has always been somewhat self conscious and shy. He has throughout his adult life felt as if people looked at him in the street, talked about him behind his back and laughed at him. He feels that they make derogatory comments about his appearance and how he is dressed. This, in recent years, has been combined with a conviction that people wanted to hurt or harm him. He sometimes believes that particular individuals he sees in the street are bent on physically attacking him. These sensitive and persecutory ideas are not organised into any system of belief that there is a plot aimed against him. It amounts to a degree of

oversensitivity and a general conviction in the malevolence of others rather than being suggestive of delusions of persecution.

Mr Bryant has believed for a number of years that the house he occupies is haunted. His main evidence for this haunting is, what he describes as "the vibes in the house". He has also on occasion, heard various noises, particularly at night, which he has interpreted as the ghosts moving around. These on the face of it appear to be the kind of bumps and bangs to which large empty houses are prone. Mr Bryant believes that the ghosts are the ghosts of two women, one of whom he suspects is Miss Harvey. He does not necessarily believe that these ghosts intend him any harm, but he is nevertheless frightened when alone in the house and these thoughts occur to him.

Mr Bryant describes, on rare occasions, hearing what he believes to be the voices of two women which he presumes are the ghosts speaking. These are brief episodes when he hears the voices saying short phrases such as "come on" or "here". This, he believes, has occurred two or three times in the last six months. It usually occurs when he is in bed or alone in the house at night. It arises in the context of his fear of ghosts. These brief hallucinatory experiences are not in my opinion of any pathological significance and do not indicate a serious mental illness.

Mr. Bryant gave no description suggestive of ideas of reference in that he does not believe that he has ever received messages coded or otherwise from the television or radio. He did describe feeling moved by radio programs to travel but this seemed indicative of impulsivity rather than of abnormal mental experiences.
[Mullen Psychiatric Report]

On it's own, the phrase does not really mean very much, even when read in the context of the entire passage relating to Bryant hearing voices in his house, but, when you realise that this is the same phrase that was recounted during Bryant's apprehension at Seascape, it is worth some thought. ***At 0730 on 29 April, several SOG members heard the offender shout from the Seascape Cottage, "Come on, come on", or "Come in, come in" which indicated that the offender was enticing police to storm the building.***
[EMA Seminar: Overview of the Police Response.]

The words now start to have a little more significance, knowing that ***keywords*** are a very important part of programming an individual, it is not beyond the realms of possibility that Bryant's one room that was out of character to the rest of the house, was used as an indoctrination room.

The videos discovered at the airport.
Following a trip to America, some of Martin's luggage went astray, when it arrived back at Melbourne airport, the bags were searched by Customs officers, they were successful as they managed to find four videos of a pornographic nature, videos that apparently depicted bestiality.
One would be most naive to discount the possibility of the luggage being assisted to go astray, and for the videos to have been planted, a little too much coincidence to think that both events were not connected.

Purchase of the Prince Sports Bag.
This is a peculiar matter, to purchase a bag for a gun that is in for repair, the AR10 had been left at Guns and Ammo over two weeks prior, on the 27th March.
Why buy a bag when you do not have a gun to put in it!
And, where did Bryant get the measurement to ascertain the bag was big enough, was he alert enough to measure the AR10 before he took it to Guns and Ammo, did he have the foresight to know the gun would require to be left there.
The whole episode just fails to add up, it is possible that someone sent him in with the details of exactly what he had to purchase, especially now that it is known that the guns arrived at Seascape before Bryant did!

On the 15th of April, 1996 Miss Wilmott accompanied Bryant in to Hobart to go shopping, less than two weeks before this incident. She was in the Myer store in Hobart with Bryant when he purchased a Prince sports bag, having first measured that bag with a tape measure he had taken with him. It's the crown case that he was obviously measuring that bag to determine whether or not it had the capacity to carry the semi-automatic weapon he carried in that bag with him when he entered the Broad arrow Café on the 28th of April. He turned to Miss Wilmott and said was the bag big enough and when she asked him what for he told her that he was going to use it for T'ai Chi. However, in an aside conversation with the shop assistant he told the shop assistant that the bag had to have strong handles as it would be used to carry ammunition which would be heavy. This bag was later to provide Bryant with an element of surprise and as an illustration of his pre-planning for what he did on the 28th of April.
[Court Document page 56]

The Tigerline bus to Port Arthur.
Here is an event that does not make much sense, if Martin really contemplated travelling by bus, how was he going to manage three guns, ammunition, rope, knife and handcuffs, petrol and firelighters, the video camera, the radio scanner which was obviously used at Seascape, and, how on earth was he going to get to Seascape to prepare for the siege, this whole scenario is absurd.
And if Martin were so capable of planning ahead with transport, guns, the Prince Bag, and all the other accessories, how come on the day he needed to buy firelighters, a cigarette lighter, and the very strange purchase of a bottle of sauce.

In the days before Sunday, Port Arthur was clearly on Martin Bryant's mind. Don Hazell, owner of Tigerline coaches in Hobart was at the front counter of the busline in Liverpool Street, Hobart, next door to Royal Hobart Hospital on Thursday or Friday - he can't be sure which day it was - when Bryant approached him.
He wanted to book a seat on a bus that would leave for Port Arthur about 11am on Sunday. Hazell told Bryant that there were no buses at that time, but that tour buses left about 9am. Bryant seemed cross and agitated and demanded to know why there was no bus at 11am. Hazell told him if it was that urgent, why didn't he take a taxi. Bryant walked out.
Says Hazell: "He stuck in my mind because he was so agitated.
I thought he might have been on drugs. But I said to someone afterwards that he wasn't drunk and if he wasn't on drugs that fella was definitely queer."
[The Age 3rd May 1996]

Other gun related items in Bryant's possession.
There were other gun related items that were discovered in Bryant's house, why would Bryant buy them, the gun cases were lying open, why buy them and not use them, was the Prince Bag an afterthought.
And what of the "point two-two-three calibre Australia automatic arms self-loading rifle" found in his house, of what significance was it?
Then there are the ammunition belts, surely they would have been useful at Port Arthur, rather than the loose ammunition that was found to have been brought along.

On the twenty-ninth of April and the third of May, 1996, police conducted an extensive search of Bryant's house in Clare Street New Town. In the hallway of the residence, lying open, were two plastic gun cases, two gun cleaning kits, a third canvas gun case, together with a point two-two-three calibre Australia automatic arms self-loading rifle. Also recovered from this location was a large quantity of point three-o-eight calibre and point two-two-three calibre ammunition. I refer your Honour to photographs 448, 449, 450 and 451.

In an upstairs bedroom, and in one of the lower front rooms, secreted in the bottom of two pianos were located two leather ammunition belts containing respectively 2 308 calibre cartridges and thirty .223 calibre cartridges together with a number of boxes of ammunition and two magazines along with several other items – and I would refer your Honour to photograph 471 which shows the inside of one piano, and 476 contents of the second piano. Your Honour, in all one thousand four hundred and ninety one .308 calibre and two hundred and forty-six .223 calibre live rounds of ammunition were seized from Bryant's home.
[Court Document pages 189,190]

Buying ammunition for a gun that Bryant was scared to use.
Another strange purchase, was to buy shotgun cartridges four days before the massacre, for a Daewoo shotgun that he was frightened to use.
A former gun dealer has denied selling guns to Martin Bryant, after the mass-murderer claimed the dealer never asked to see his licence.
In a filmed police interview which has been played to the Tasmanian Supreme Court, Bryant said he bought a colt AR15 and a Daewoo 12-gauge shotgun from Mr Terry Hill, the owner of Guns and Ammo in New Town Road, New Town, without being asked to show a licence.
But Mr Hill told The Age yesterday that although he had sold ammunition to Bryant after asking to see a licence, he had never sold him guns.
He last saw Bryant four days before the Port Arthur massacre on 28 April when he bought three boxes of shot gun ammunition after showing a licence which Mr Hill believed was in the name of Martin Ryan.
A spokesman for Tasmania Police, Mr Geoff Easton, said according to the Tasmanian Gun Registry, no licence had been issued in the name of Martin Bryant or Martin Ryan.
Police revoked Mr Hills' gun dealership licence and confiscated guns worth about $80,000 when they raided his shop on 2 November because he did not comply with legislative requirements relating to gun dealers.
[The Age 22nd November 1996]

Hearing protection

How amazing that nowhere is it mentioned or queried, as to how Martin Bryant managed to avoid hearing damage in the Broad Arrow Café, this was not a question during the Interrogation, despite the fact of other survivors suffering ear damage, was no one curious as to whether Bryant used *Sonic Ear Valves* or similar.

Even more surprising is the additional clue that Bryant shot out the rear window of the Volvo before driving away, he must have known of the danger of firing a centrefire rifle within the confines of an enclosed vehicle.

And then of course is the hypothetical inference that Bryant destroyed the AR15, thus holding the carbine while the breech exploded in his hands, and yet Bryant suffered no great damage to his hands, nor did he incur the considerable hearing damage that such an explosion would have inflicted.

Destination unknown.

Martin Bryant spent 17 days at an unknown destination, departing and returning from London. Amazingly, this is the only trip where his movements are not known. In fact, it is entirely possible that he never left England, I fail to see that information contained within the Court Document has much credibility.

On the 22nd July (1994), he flew from Frankfurt to Sydney. Then three and a half months later he flew from Melbourne to Bangkok to London, he then flew from London on the 11th November out of Heathrow, destination unknown. On the 28th November he returned to the United Kingdom and flew back to Australia on the 30th November

[Court Document page 320]

In early 1994, he was noticed acting oddly in Hereford in the United Kingdom... Hereford is the home base of Britain's crack anti-terrorism force, the SAS, and is very security conscious.

[Suddenly One Sunday page 51]

If Martin Bryant was the close quarter combat master in the Broad Arrow, then he must have had training somewhere, could it have been in Hereford, not very likely, but I guess for the most conspiracy minded, not entirely impossible.

CHAPTER 10
GUARDIANSHIP & SCHIZOPHRENIA ANOMALIES.

If you talk to God, you are praying;
if God talks to you, you have schizophrenia.
Thomas Szasz

There are many of us who are a little less than perfect, I guess we all do something at times that would be a little out of the norm. If others were aware, or able to observe our idiosyncrasies, they would probably be justified in attaching a "strange" label to you and I occasionally. Some of the most gifted people in the world have definitely been classified as having mental deficiencies, and I guess that many people that have not had such a classification have been found guilty of many a heinous crime.
Having read quite a bit about Martin Bryant, I would not have recognised him as a threat to society. In fact I think he has quite a few redeeming qualities, some that many more fortunate souls could do with. Some of us may one day suffer the indignities of Dementia or Alzheimer's disease, or be afflicted with Schizophrenia, possibly that or a difference with friends or loved ones may even result in a *Power Of Attorney* being imposed.
However much we may despise him, or what he may have done, we should be able to look at his background for what he is, and at any factors that may have contributed, or those that may have pushed him beyond the point of no return.
If a few simple societal changes could prevent a similar catastrophe, we ought to be learning from his example.

A condition of Schizophrenia.
We have been told after the crime, that Martin Bryant is afflicted with Aspergers Syndrome, it has been also suggested by many that have known him, that he suffers from Schizophrenia, perhaps both conditions can be attributed to him.
The Court has been informed of the reasoning for the classification of Bryant having Aspergers Syndrome, I have no problem accepting this diagnosis.
While admittedly not being any kind of an expert in the field of Psychiatry, I am however, overwhelmed by the number of eyewitness accounts that do indicate a condition of Schizophrenia.

Police disclosed today that the killer is a 29 year old schizophrenic from the Hobart suburb of New Town.
[Hobart Mercury April 29 1996]

The 29 year old gunman who slayed 33 people yesterday was recently diagnosed as schizophrenic.
[Hobart Mercury April 29 1996]

Bryant, variously described by acquaintances and former friends as slow, mentally ill and schizophrenic, became friends with a woman in New Town who lived in a mansion on Clare Street.
[The Age 30th April 1996]

Bryant's supposed diagnosis as a schizophrenic- yet to be proved- was broadcast on Sunday night as the man alleged to be Bryant was holed up in Seascape.
[Time Australia, May 13th 1996]

Then there is the information supplied by Carleen Bryant
Jones: OK. Now you have mentioned to me on two occasions that Martin was schizophrenic. Now, has he been diagnosed as schizophrenic?
Bryant: Yes.
Jones: By who?
Bryant: Dr Rushton and Dr Cunningham-Dax
[Sworn Statement 21st May 1996 with Sergeant Lynette Faye Jones]

The Mullen report presented to the Court.
A number of observations spring to mind when reading this report, firstly that the report is intended to avoid an insanity plea, secondly that the doctors concerned issued their Schizophrenia diagnosis **before** the murders in April 1996.
And thirdly, it is inferred that practising Doctors do not formulate their own diagnosis on patients, that in fact in the case of Martin Bryant, that a number of Doctors have simply taken the word of a patients mother, that would be most unprofessional, if true.

This report is intended to clarify for the court why an insanity plea was not considered appropriate and to at least outline some of the factors which contributed to the dreadful actions of Mr Bryant...

In February 1984 Mr Bryant was assessed by a very experienced clinical psychiatrist, Dr Cunningham-Dax. This assessment was initiated to consider Mr Bryant's eligibility for a disability pension
Dr Cunningham-Dax stated that Mr Bryant was intellectually handicapped and personality disordered. He also raised the possibility that he might be developing an illness of a schizophrenic type. On the basis of this report and subsequent assessments which relied upon it, Mr Bryant was granted a disability pension. There are subsequent references to Mr Bryant having a schizophrenic illness and of being a paranoid schizophrenic in the records of Dr Mather (December 1991) and Dr P M McCartney (December 1991). These diagnostic formulations, it transpired, were ***not the results of the doctors own conclusions****, but based on the report of Mr Bryant's mother that he had been diagnosed by Dr Cunningham-Dax as suffering from this illness. This was a misunderstanding on Mrs Bryant's part and it is this misunderstanding which led to an opinion by Dr Cunningham-Dax that Mr Bryant might develop schizophrenia being transmuted into a diagnosis of this severe mental illness.*
[Interview at the Royal Hobart Hospital Professor P.E. Mullen 4th May 1996]

Further testimony regarding Schizophrenia.
It would not be in the interests of obtaining a conviction were Martin Bryant found to be afflicted with a mental condition that would grant an insanity plea.
It would seem that the prosecution has gone to great lengths to pour cold water on previous Schizophrenia labels, unfortunately though, mere mortals cannot always change history, even if they are able to rewrite it.

Your Honour the Accused has been examined by Dr. William Lucas, consultant psychiatrist of South Australia, Mr. Ian Joblin, forensic psychologist of Melbourne, and Professor Paul Mullen, forensic psychiatrist of Melbourne. In a report prepared to the accused's former Solicitor, dated Thirty-First of May, 1996, Mr. William Lucas, who examined Bryant at the Risdon Prison on the Twelfth of May concluded that it was unlikely that he was suffering from a major psychiatric disorder.
He also stated that a diagnosis of schizophrenia could not be made out on the basis of his examination. He commented, "Mr. Bryant has some unusual symptoms but I think it will turn out that this can be explained on the basis of a personality disorder combined with longstanding feelings of depression, rejection and alienation."
"If he had a longstanding schizophrenic illness one would expect among other signs an obvious ***deterioration in disfunctioning*** *over the years. He seems to have been much the same a long time.*
[Court Document pages 333, 334, 335]

Was that an oxymoron or similar, was it meant to say a "**deterioration in functioning** over the years". To me, what has been described would be an expected improvement, hardly an appropriate mistake when someone's life may hang in the validity of the report.

Your Honour, I refer you to the rest of the report now of Dr. Sale which was obviously prepared by him, at my request, to determine whether or not Section 16 of our Criminal Code provided any explanation for Bryant's criminal responsibility, in other words was he criminally insane at the time he committed these acts. And you will see that Dr. Sales's conclusion your Honour was that there was no such defence available to him. He concluded that it was his opinion that the syndrome, or disorder, which explained much of the conduct that Bryant went through, which many people found either disconcerting and anti-social or inappropriate, was attributable to a syndrome caused Asperger's, that's A-s-p-e-r-g-e-r's, syndrome and he details the indicia of that syndrome on page 16 of his report. But he says, and your Honour will see when you look down the length of that page, that many of the shall we say indicia that are referred to there may be said to be consistent with aspects of his conduct or behaviour about which some comment or evidence has been given.

But he says on page 17 "These various named syndromes are just that, syndromes, constellations of behavioural patterns that are found together. There is no indication on causation which for all these syndromes remain speculative. What seems clear is that abnormalities were evident from his earliest days. He was likely born with these problems rather than acquiring them through an abnormal family environment."

As an adult he can be regarded as manifesting a personality disorder, the general diagnostic then goes on to refer to for personality disorders which includes an enduring pattern of inner experience and behaviour that deviates markedly from the expectations of the individual's culture. This pattern is manifested in two or more of the following areas, cognition, effectivity, interpersonal functioning and impulse control. The enduring pattern is inflexible and pervasive across a broad range of personal and social situations."

Your Honour, I won't go through the further detail of that.

HIS HONOUR: What's the prognosis?

MR. BUGG Q.C.: The prognosis, your Honour, is really that as far as Doctor Sale is concerned, there would be no improvement on the condition –

HIS HONOUR: Does Doctor Sale have a view about the presence or absence of schizophrenia or any other specific psychotic illness?

MR. BUGG Q.C: Yes, your Honour. Thank you, your Honour, yes, the question of this man suffering from schizophrenia was the subject of some speculation but if I can just take your Honour to the relevant section of the report where he deals with that, at the top of page 18 he says:

"There is no form of mental illness, as the term is usually understood. He certainly does not manifest any psychotic illness such as schizophrenia."

He says: "Personality disorder is generally subdivided into particularly commonly occurring patterns. Bryant does not fit into many of these sub types, they are obviously anti-social traits, but he is not typical of individuals with this pattern of behaviour. Perhaps, fortunately, he may be unique. I am confident that notwithstanding his disabilities Bryant knows what he has been doing and can discern between right and wrong. Perhaps the clearest indicator of this is his maintaining a false account of the day in question, an account that is invented. There would be no need to invent this if he were not aware of the wrongness of the behaviours for which he stands accused."
[Court Document pages 324, 325, 326]

Guardianship.
There is absolutely no question that Martin Bryant is deficient in some areas, this did not mean that he was a threat to society, or even to himself, but that he was judged incapable of managing some aspects of his life, therefore he was subjected to a guardianship order, this was issued by the Supreme Court in Tasmania, and handed over financial control of his finances to Perpetual Trustees.
This order did not mean that he was deficient only in financial matters, but that he was generally incompetent in looking after his general affairs, this is quite important because his legal rights in this area seem to have been completely overlooked.

Guardianship rights denied.
The most glaring breach of these rights would have been his interrogation without representation, legal or otherwise, he was subjected to a lengthy interrogation while under the effects of pain killers, and while shackled to a wheelchair, we have been informed in the Court Document that permission was granted by Bryant's attorney, but that in no way diminishes the fact that a person who has been legally deemed to be incapable of looking after his own interests, has been allowed to represent himself during this interrogation, a matter in which the average citizen would find himself in a minefield of legal difficulties.

Suicide of Maurice Bryant.
The suicide of Martin Bryant's father has created a lot of rumour, even suggestions that he may have been murdered by Martin.
This simply cannot be, from the information relating to this matter, it is quite clear that it was a long term suicide plan of some six months duration, Martin may have reacted to his fathers death in a strange way, but there can be no suggestion of foul play attributed to Martin Bryant.

On the Thirteenth and Fourteenth of August, 1993, his father committed suicide. But prior to committing suicide he had commenced making arrangements through Perpetual Trustees to have a committee appointed under the Mental Health Act to manage his son's affairs and that, your Honour, was a factor indicated that prior to him committing suicide, Mr. Bryant senior was making preparation for things in his absence. He started to put his son's affairs in the hands of a committee, he changed bank accounts over to wife's name, he changed the Hydro account at their home over to his wife's name, and a number of other such matters.

Now, your Honour, I dwell upon that for two reasons, the first one is that the medical practitioner treating Mr. Bryant at the time was treating him for anxiety and depression, on the day that he committed suicide his wife spoke to him on two occasions by telephone at the property at Copping and on both occasions she was unable to make any sense or any real sense in the conversations she had with him and she was concerned about him. Left pinned to the door of his property, of the farm house, was a note in his handwriting saying "Call the police" and his body was some two days later discovered in a dam on the property, face down in about two to three metres of water. The relevance of that, your Honour, in 1993 probably, in so far as what occurred on the 28th of April, is this, that by 1993 Bryant no longer had Miss Harvey, his constant companion, his father, who always seemed to keep an eye on him when things started to get out of hand, and was a person with whom he had a lot of social or recreational activity in the Peninsula area, that is diving, fishing, his father would take him out scuba diving and so on, and that consequence left him without any certainly steadying influence from his father. And a comment has been made that it's certainly apparent that his mother is unable or was unable from this time onwards certainly to control his conduct.
[Court Document pages 316, 317]

The conflicting reports on Bryant's guardianship hearing.
The matter of his guardianship does seem to have a rather conflicting or unusual set of circumstances, the Court Document contains quite a bit of detail regarding this matter, let us examine exactly what Mr Avery has related to the Court..

*In **November 1993** Mr Bryant was made subject to a guardianship order which placed the management of his money and property in the hands of the Perpetual Trustees, Tasmania Limited. This order was made on the application of his mother and on the recommendation of Dr Terence Craven and Dr Bernard Mather who both expressed themselves of the opinion that Mr Bryant was mentally impaired as the result of a low level of intelligence which rendered him incapable of managing his own affairs and property. This arrangement ensured some order in Mr Bryant's financial affairs and though he apparently objected on occasion that he was not*

provided with even more funds, he accepted this arrangement. He also developed a trusting relationship with the administrator of his estate who provided considerable additional support and advice to him.
Mr Bryant clearly had difficulty maintaining the property which he now owned, but did manage a semblance of an independent existence. In the past few years he has taken a number of trips overseas and interstate. The first of these occurred prior to Miss Harvey's death when he and his father accompanied Miss Harvey to New Zealand. In the last two years he has taken a number of trips usually alone, although on two occasions a sixteen year old girlfriend, Janetta Hoani, accompanied him.

He described his various attempts at national and international travel as disappointing. He said he usually undertook these trips because "I wanted to meet up with normal people" but apparently "it didn't work". He travelled to such places as London, Los Angeles, Amsterdam and Bangkok and in these various cities tried to strike up conversations with people that he encountered.. He had the means on a regular basis through Perpetual Trustees, the committee appointed, to obtain access to funds and an illustration of the way in which without any measure of control he spent money in the months of March and April of 1996, that is leading up to this event, he had two passbook accounts into which income or revenue was paid and to which he had access –
[Court Document pages 347, 348]

So, here we have been told that Martin Bryant was subjected to a guardianship order in ***November 1993,*** and that he has travelled overseas to London and other places.
However, an article published in the Herald-Sun tells a different story, the Sunday edition on the 5th May 1996 ran a front page article relating to Martin Bryant's past, it explained that the man accused of the massacre at Port Arthur had been subjected to a ruling of the Tasmanian Supreme Court 2 years prior.
In fact, it also stated that the hearing had been held in private, and that it had been held on **April 22, 1994**!
This certainly contradicts what the Court has been told by the Defence, and further, the article explains that the action was taken on the recommendation of the Health Authorities, it does **not** say that Carleen Bryant had any involvement with the decision.
Now that we have the truth of the matter, what else can we find the Court has been informed of.

Guardianship finance arrangements for Bryant's overseas trips.
In March/April he withdrew from one account Thirteen thousand one hundred and fifty dollars, from the other account he withdrew Eleven hundred dollars. He sold property at auction through various auction houses in Hobart worth – or he received from the sale of that property Nine thousand eight hundred dollars. So he had access in those last two months before this incident to Twenty-three thousand dollars and obviously he had no, shall we say, outgoings or expenses which would normally be associated with a property of that nature.
HIS HONOUR: Some reference in the record on interview as I recall it of trips overseas, were they reality?

MR. BUGG: They were reality, your Honour. If I could just take you to that.

HIS HONOUR: When did they occur in this time frame?

MR. BUGG: They certainly occurred at about this time. What happened was prior to this incident the extent to which he was able to travel was severely curtailed by the people controlling his finances because he was just stepping onto planes and travelling with no concern for where the funds were coming from. If I could just take your Honour to that. The travel, internationally in recent years shall we say since the death of Miss Harvey, in December '93 he flew from Melbourne to Singapore and returned three days later. In ***April '94*** *he flew to Melbourne to Bangkok to* ***London, that is on the 19th April. On the 25th April he flew from London*** *to Sweden. On the 30th April he flew from Sweden to the United Kingdom. On the 3rd May he flew from the U.K. to Los Angeles. On the 7th May he flew from Los Angeles to Melbourne. That's in May.*
In July '94, he went from Sydney to Frankfurt on the 10th. He then went from Vienna to Frankfurt to Copenhagen on the 17th July
[Court Document p319]

So here in the Court Document we have been told that Martin Bryant was in London from the **19th April until the 25th April 1994**, so when the Herald-Sun reported that the Supreme Court hearing was held in private, they were being quite accurate, because even Martin Bryant was not present at his own hearing.

And yet if one was to pay attention to what the Court was told on this matter, having been given the incorrect date, people in Court including the Judge, may have been given entirely the wrong impression and may have believed that Martin Bryant had indeed been present himself, and even that his mother had some involvement.

Further travel details.
On the 22nd July, he flew from Frankfurt to Sydney. Then three and a half months later he flew from Melbourne to Bangkok to London, he then flew from London on the 11th November out of Heathrow, destination unknown. On the 28th November he returned to the United Kingdom and flew back to Australia on the 30th November
In '95 in early February, he flew from Melbourne to Auckland, he then flew four days later to Los Angeles, six days later from Miami he flew to Frankfurt, six days later he flew from Frankfurt to Miami, five days later he flew from Los Angeles to Auckland and Melbourne. Two and a half months later he flew from Melbourne to Sydney to Bangkok to London. Five days after that he arrived in Germany, based upon a passport stamp.
[Court Document page 320]

Five days later he was in Poland –one day later he was back in Germany, two days later he flew from London to Bangkok to Sydney.
Your Honour, in 1995 – in June, that is, only one fortnight later, he flew from Hobart to Melbourne then Melbourne, Bangkok, Frankfurt and then two weeks later he flew Frankfurt to Singapore to Sydney. Then three weeks later he flew Hobart, Sydney, Los Angeles, six days later he flew Los Angeles, Tokyo and two days later, Tokyo to Melbourne. Then a month later he flew Hobart, Melbourne to Kuala Lumpur where he lasted two days and flew from there to Bangkok and then flew back to Sydney. And

obviously by '96 there were some constraints being imposed but five months after that last Bangkok trip in late January he flew Melbourne, Sydney, Bangkok, London and stayed in London six days and flew back to Melbourne. That is excluding his interstate travel and there are four pages of details of interstate travel over the period of time – sorry, three pages, your Honour, over the period of time after Miss Harvey's death.
[Court Document page 321]

Travel was controlled by available finance.
This extract gives some concept of Martin Bryant's travel extent since acquiring his bequests, it does raise the question of whether he would have been anywhere in the vicinity of Port Arthur in April 1996 if he had not been restricted in finances, the following extract from the Interrogation explains what happened.

PAINE
Q. Where do you get your money to umm, you know buy things like boats?
A. Where do I get my money from, it was left for me through an estate.
Q. Ohh right, I see.
A. Dad left this money and, yeah, mmm.
Q. Do you handle your money carefully?
A. Pretty carefully, goes pretty quickly. I like spending money.
Q. Do you?
A. Mmm. I'd rather spend it than keep it.
Q. You've certainly spent it on those overseas trips.
A. Yeah, spent a little bit. Unfortunately I couldn't go on any more otherwise I would've gone away in May. I was informed nicely that I wasn't able to go away for a long time, for about twelve months, which upset me greatly.
WARREN
Q. Why's that?
A. 'Cos maybe once or twice a year because I only have to accumulate and, and just couldn't go away on any more trips for a while, but that upset me a lot, yeah.
PAINE
Q. Martin, if you'd excuse me, I'd just like to leave the room for a second.
A. Alright.
Q. If that's okay with you, Mr Warren will be here with you and I'll ... (inaudible) ..
WARREN
Q. When you say it upset you, what umm
A. Mmm, just threw me back 'cos I didn't have anything to do.
Q. Mmm. Right. Who, who actually told you that? A, I wasn't able to go on a trip probably for six months and that was ohh, the people, Perpetual Trustees, a lady that looks after my money.
Q. Right. Did you have a regular contact with her?
A. Yeah, we phone up whenever I, I needed something to talk about.

CHAPTER 11
MIND CONTROL.

Ninety nine percent of who you are is invisible and untouchable.
Buckminster Fuller

I do not intend to write a dissertation on Brainwashing or Mind Control, but because it is a relatively unknown facet of psychiatry as far as the general public knows, then it is worth bringing a little background into the realm of possibilities.
Your mind may be somewhat inaccessible as far as the layman is concerned. But to a trained professional, there are certainly ways and means of gaining access to the mind.
There have been many opportunities for others to tamper with the thought processes of Martin Bryant.

Some background information.
Well worth reading is the John Marks expose ***The Search for the Manchurian Candidate***. This man has done very extensive research with the help of FOI intrusions into the secret mind work of the CIA.
With projects and codenames such as *BLUEBIRD, ARTICHOKE, CHATTER, MKULTRA, MKDELTA, MKNAOMI, MINDSCAN, MOONSCAN, MINDWREAKER and Operation Open Eyes,* the ability to manipulate the subconscious will of individual subjects had become a fine art, especially the ability to implant durable and operationally useful post hypnotic suggestion

One of the first organisations to utilise psychiatry as a tool to shape society as a whole was the World Federation of Mental Health, it was spawned by the Tavistock Institute and was affiliated with the United Nations, it was headed by Brig. Gen. John Rawlings Rees, the head of Tavistock in the 1930s, the then chief of Britain's World War II Psychological Warfare Directorate.

At the war's end, in a speech to U.S. Army psychiatrists in 1945, Rees called for the creation of "psychiatric shock troops," who would move out of the military and psychiatric institutions, in order to shape society as a whole:

In the early 1950s, Rees sent two of his "psychiatric shock troops" to Australia, Dr. Eric Cunningham Dax and Dr. Fred E. Emery.

Dax had trained at the same hospital as Rees, and had performed 1,300 deep sleep experiments before coming to Australia, there was a Royal Commission held into the deaths that resulted in this treatment being used at Chelmsford.

Emery gave lectures on brainwashing entire societies for Tavistock audiences, explaining that a series of short, universal shocks would destabilise a targeted population.
He outlined more detail in an article in the 1967 Tavistock magazine and in his latter work entitled, *Futures we are in,* he outlined the following stages.

1) People would "lose their moral judgment";

2) next, "segmentation"--societal disintegration--would begin, in which the individual's focus moves from the nation-state to preoccupation with local community or family; and finally,
3) "disassociation" would set in, "a world in which fantasy and reality are indistinguishable," in which the individual becomes the societal unit.

The final result will be a Clockwork Orange society in which gangs of youths creating random violence of a habitual nature become the order of the day, while the adults retreat away from reality.

Tasmania has been of quite some interest to a number of Tavistock connections, with Dr Allan Stoller, Dr John Bowlby, and Dr Cunningham-Dax all spending time there.

Unusual anomalies pertaining to Martin Bryant.
There are more questions than answers, especially now that we know that the existence of Schizophrenia has been deflected during the Court processes.

Some of Martin Bryant's actions prior to the massacre, during the Interrogation, and other interviews, are somewhat strange, and while Bryant has clearly told some obvious lies, the possible chance of post hypnotic suggestions, or other methods of controlling individuals, should definitely be explored.

The strange noises in Bryant's house.
This account of noises and voices in Bryant's house, when coupled with the same words being uttered at Seascape, certainly leave food for thought regarding the possibility of a little help, especially knowing that there was a special room set up with only two chairs and some gun magazines, one must wonder what else may have been set up, possibly some concealed speakers for the voices.

Mr Bryant has believed for a number of years that the house he occupies is haunted. His main evidence for this haunting is, what he describes as "the vibes in the house". He has also on occasion, heard various noises, particularly at night, which he has interpreted as the ghosts moving around.
These on the face of it appear to be the kind of bumps and bangs to which large empty houses are prone. Mr Bryant believes that the ghosts are the ghosts of two women, one of whom he suspects is Miss Harvey.
He does not necessarily believe that these ghosts intend him any harm, but he is nevertheless frightened when alone in the house and these thoughts occur to him.
*Mr Bryant describes, on rare occasions, hearing what he believes to be the voices of two women which he presumes are the ghosts speaking. These are brief episodes when he hears the voices saying short phrases such as "**come on**" or "**here**". This, he believes, has occurred two or three times in the last six months.*
It usually occurs when he is in bed or alone in the house at night
[Mullen Report]

*At 0730 on 29 April, several SOG members heard the offender shout from the Seascape Cottage, "**Come on, come on**", or "**Come in, come in**" which indicated that the offender was enticing police to storm the building.*
[EMA Seminar: Overview of the Police Response.]

Psychiatrists and Doctors that have been involved with Martin Bryant.

Dr Terence Craven	October 1993	
Dr Cunningham-Dax	February 1984	
Dr Fred Emery		
Mr. Ian Joblin	10th May 1996	6th June 1996
Professor Jones		
Dr. William Lucas	12th May 1996	
Dr Mather	December 1991	October 1993
Dr P M McCartney	December 1991	
Professor Paul Mullen	4th May 1996	
Dr Ian Sale	1st & 3rd May 1996,	6th Aug. 1996, 13th Nov. 1996

Psychopath or Psychosis.

A Psychopath has no conscience about the crime he is committing, whereas someone suffering from a psychosis is unable to tell right from wrong while he is hallucinating. Further, even a highly trained, experienced psychiatrist will not be able to distinguish an artificially induced "external" model psychosis from a genuine "internal" psychosis which develops due to mental illness.

An individual suffering from the advanced stages of an artificially induced model psychosis can easily be manipulated to commit acts of violence he or she would not normally commit.

An artificially induced model psychosis can be induced by anyone experienced in the techniques required, in need not be a doctor or psychiatrist.

This area of control requires more than a little examination in the case of Martin Bryant, a complete and thorough independent investigation and analysis should be called for during any forthcoming Royal Commission into Port Arthur.

CHAPTER 12
THE JOURNEY FROM HOBART.

Get your facts first, and then you can distort them as much as you please.
Mark Twain

This journey, from New Town in Hobart, towards Port Arthur, contains a wealth of information from which there is much to be gleaned. There were sufficient eyewitnesses to supply a multitude of facts, clues as to what did and did not transpire.
For a person seeking the truth of the matter, there are a great many occurrences and reports that tell much about Martin Bryant's movements, and about the murder of the Martins, these facts inform that Bryant could not have reached Seascape by the time that David and Sally Martin were murdered.
Likewise, Bryant could not have been responsible for any of the gunshots heard by local residents that Sunday morning.

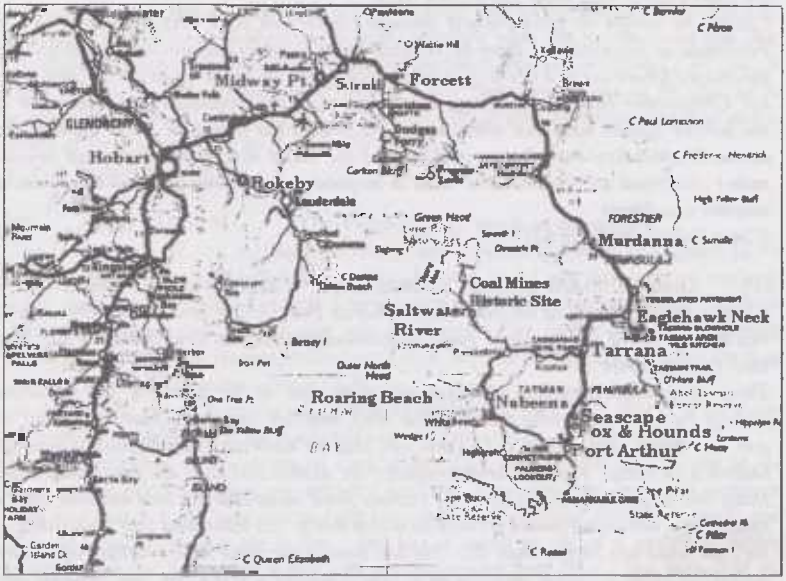
Martin Bryant's journey according to the DPP.
Keep in mind that the journey from New Town to Port Arthur, is a trip of some 97 kilometres, this is approximately an hour and a quarter drive.
Also be aware that Martin Bryant made four stops that morning, including a lengthy stay for a cup of coffee.

The times that I will give your Honour now are approximate because they are estimates given by witnesses who came forward to assist the police with their inquiries following the horrific events of the 28th of April.
[Court Document page 60]

(A) 9:47AM ~ Departure from New Town ~
Bryant's home in Clare Street is fitted with an electronic alarm system. In attending, the police late in the day of the 28th of April, the Police in attending those premises the Police discovered that the alarm had been set, that is engaged, at nine forty-seven a.m. on Sunday the 28th of April. So obviously that was the time at which Bryant left his home.
He left driving his yellow Volvo sedan and carrying with him at that time the AR15 semi-automatic .223 calibre rifle and FN, commonly called an SLR military style semi-automatic .308 calibre rifle and a semi-automatic Daewoo twelve gauge shotgun. He also had with him two sets of handcuffs, sash-cord rope and a hunting knife and a number of containers of petrol.
[Court Document pages 59,60]

(B) Approximately 10:30AM ~ Arrival at Midway Point ~
At approximately 10.30 a.m. Bryant arrived at the Midway Point Newsagency and purchased a cigarette lighter from the proprietor, Mr Angelo Kessarios...
When he had been in the shop on previous occasions he would giggle inappropriately but was always outgoing in his manner. But on this occasion the proprietor noticed that his demeanor was quite different. He didn't pass any pleasantries. He didn't show any recognition of the proprietor, although they had obviously exchanged

conversation on a number of occasions, and he purchased the cigarette lighter leaving more money than was necessary to pay for it and departed quite abruptly.
[Court Document page 60]



South East Tasmania

(C) No time given ~ Arrival at Sorell ~

Bryant then travelled to the township of Sorell where he stopped at the local supermarket and purchased a bottle of tomato sauce. The proprietor of the supermarket, Mr. Diamantis, noticed that he had with him a large bag which was a sports type bag. He therefore watched his movements in the supermarket closely.
When he left he paid for his purchase with a large quantity of small coin, small denomination coin.
[Court Document pages 60,61]

(D) Between 11:00AM & 12:00 Midday ~ Arrival at Forcett ~

Bryant then travelled further south to the village of Forcett, arriving there between 11.00. and twelve midday. He stopped at the Shell service station and spoke to the proprietor, Mr Gary King, and requested a cup of coffee. He told the proprietor that he had been there earlier in the week and had enjoyed the cup of coffee he had on that occasion, but he said, 'On this occasion would you boil the kettle for less time.'. He paid for the coffee in five and ten cent coins and told Mr King that he was going to Roaring Beach to surf. The service station proprietor thought that was strange because it was a very calm day and he certainly didn't expect that the sea conditions would be conducive to surfing.
[Court Document Page 61]

(E) No time given ~Arrival at Taranna ~

Your Honour, there were a number of other sightings of Bryant, the car was distinctive, and those sightings occurred in the Eaglehawk Neck area and at some of the tourist attractions near Eaglehawk Neck.

Clearly he moved on from Forcett through Eaglehawk Neck and then down to the Peninsula at Taranna and there he stopped at the service station-convict bakery and purchased fifteen dollars worth of petrol. From there he drove on to Port Arthur.

Mr. Christopher Hammond, a long time resident of the Peninsula and proprietor of the service station said that when he served Bryant the petrol he stood looking out across Norfolk Bay with Bryant and he said the water was mirror calm and he was rather surprised to see someone with a surfboard travelling down there in those weather conditions.

[Court Document Page 62]

(F) About 11:00AM or about 12:00 to 12:30 ~ Murder of the Martins ~

Clearly Bryant travelled on from there towards Port Arthur and the Crown case is that he stopped at the Seascape guest accommodation at that time owned by Mr. And Mrs. David Martin.

There were two interesting observations made late in the morning and at about midday by two people who reside in the area, one Mr. Simmons, heard at about 11 a.m. two shots. He knew the Martins well and he knew on that day that it was Mr Martin's birthday. Further down towards Port Arthur and near the boat ramp a Mr Doug McCutcheon heard a series of rapidly fired shots and his best estimate of the time of that was about twelve o'clock to twelve thirty. He estimated that the calibre of the rifle used was larger than .22. He has some experience with firearms and some sensitivity about it, being involved in the operation of a fish farm. He claimed that whenever gun shots went off in the district he was blamed for shooting seals.

But he estimated that in that volley of shots there would have been six, at the most twelve shots. Later in the day he heard further shooting when Bryant was in Port Arthur. In that late morning how many shots were fired and precisely when is difficult to determine but these two residents heard shooting on that day in the pre-lunch period and the Crown case is that Bryant shot Mr. And Mrs. Martin at about that time.

[Court Document page 62,63]

(G) About 11:15 to 11:20AM ~ The last visitors departure at Seascape ~

Tourists to Tasmania at the time, Donald and Stephanie Gunn, had spent the night at "The Seascape". They departed at about 11.15 to 11.20 a.m. and at that time David and Sally Martin were in residence, all the other guests had departed, the Gunns stayed chatting to Mr. & Mrs. Martin and then later when they departed they noted that both of the Martins were engaged in chores about "The Seascape", so at about 11.20 a.m. the Crown case is that Mr. & Mrs. Martin were at the premises on their own.

[Court Document page 64]

(H) About 11:45AM ~ The Volvo has arrived at Seascape ~

At about 11.45 a.m. a Peninsula resident, Mr Copping, drove past "Seascape" on the Arthur Highway. He had known the Martins for a number of years, and when he looked towards "The Seascape" building he observed a yellow Volvo sedan backed

up into the front door of the main home with the driver's door open. There was a surfboard on the rack and he took particular notice of this because being a person who had surfed in the area some many years before he knew that the weather was not good for surfing and he recalled that when he spoke to the police because he said he thought to himself at the time that a lot of surfers had improved somewhat since his day of surfing if they could afford to stay overnight when the weather was like that. He drove through past Port Arthur township and then returned at about 12.40 p.m., in other words he was driving back towards "The Seascape", and as he did so he noticed the yellow Volvo being driven towards Port Arthur about two hundred metres south of the general store at Port Arthur itself.
[Court Document page 64]

(I) About 12:35PM ~ The Volvo sighted again at Seascape ~
The Crown case is that in that intervening time, that is, between 11.45 and 12.40, Martin Bryant shot and killed Mr. & Mrs. Martin, and I say this because not only were shots heard by the residents I have mentioned but on the same day Victorian tourists, Maureen and John Mason, who had visited Port Arthur and were returning to catch a flight from Hobart, called in to look at "The Seascape" premises on their way out of the Peninsula at about 12.30 p.m.
So noticed the property on the way into Port Arthur and they were attracted by it and thought that they might come back and visit the premises on a future holiday.
On later hearing of the events at Port Arthur Mrs. Mason was to describe to the Police what occurred when she and her husband drove onto the Seascape property. She said that her husband stopped the car, they both alighted from the vehicle and started to walk towards the house. She has a vague recall of a squarish shaped vehicle near the house but didn't take any particular note of it. She then told the police "Suddenly a young man appeared in front of us out of nowhere, he appeared agitated, he was making jerking movements with his hands and wasn't still, moving about nervously. My husband said to him 'I wonder if we could have a look at one of the apartments?' and he said 'No, my mother and father are out for ten minutes' He said, 'I can't show you around because I've got my girlfriend inside'" Mrs. Mason described his manner of speech as strange and "I opined that he was speaking as if something was wrong". She said his manner of speech was not natural and she said that he appeared quite rude and she became uneasy about him. She told the Police that at this time all she wanted to do was just get away from the property as quickly as possible and she asked her husband to do so by saying "Come on let's get out of here". Both Mr. and Mrs. Mason then re-entered the car, drove away from the property, back along the Highway. Mrs. Mason looked back over her shoulder as the car travelled onto the Highway and she said that the person she had spoken to was standing in front of the house looking in their direction. Their time of departure was about twelve thirty-five p.m.
[Court Document pages 64,65,66]

(J) No time given. ~ From Seascape towards Port Arthur ~
Shortly after this your Honour Bryant left the Seascape and drove towards Port Arthur in his Volvo. He had with him at the time the keys to the Seascape properties which had obviously been locked following his killing of Mr. and Mrs. Martin. These keys were later recovered from the Volvo sedan when he abandoned it near the Toll Booth.

On his way to Port Arthur he stopped to speak with two persons whose motor vehicle had over-heated and was stationary on the roadside. That was just past the Seascape property. Bryant chatted to them briefly and was asked if he was going surfing because of the surf board on the roof racks.
He replied, "No, I'm going to the Isle of the Dead to get rid of some wasps". He then suggested that they meet later at the café at Port Arthur when he said, "You can shout me a cup of coffee." From there Bryant travelled past Port Arthur, or through Port Arthur, and past the historic site, to Palmer's Lookout Road.
[Court Document pages 66,67,68]

(K) About 12:40PM. ~ Volvo approaching Port Arthur ~
He drove through past Port Arthur township and then returned at about 12.40 p.m., in other words he was driving back towards "The Seascape", and as he did so he noticed the yellow Volvo being driven towards Port Arthur about two hundred metres south of the general store at Port Arthur itself.
[Court Document page 64]

(L) No time given. ~ Past Port Arthur to Palmer's Lookout road ~
From there Bryant travelled past Port Arthur, or through Port Arthur, and past the historic site, to Palmer's Lookout Road. That's on the southern side of the historic site. And there he stopped his car and spoke with a long term resident, Mr. Roger Larner, whom he had known for a number of years. Bryant's parents had owned a seaside holiday property and approximately fifteen years previously Mr. Larner had met Mr. and Mrs. Bryant and their son Martin.

Your Honour, it's important that I read to you the account given by Mr. Larner of his conversation with Martin Bryant because on the Crown case this conversation took place approximately one half of an hour after he had murdered Mr. and Mrs. Martin. He asked Mr. Larner how his health was – I am referring to page 43 of volume1, part A of the crown papers, your Honour. Mr. Larner replied that it was good. He asked after Martin Bryant's health and he said, "I don't drink much anymore and I don't smoke. I'm down here surfing." Mr. Larner then asked where he was living and Bryant said that he had bought a place just out of New Norfolk, called 'Fogg Lodge'. He said that he had sold his farm at Copping for about a hundred and forty five thousand dollars and said that he was looking for some Murray Grey cattle to buy. Mr Larner responded that he had some to sell and asked him what he was looking for and Bryant said, "A couple of heifers and a young bull." Mr. Larner said that he had a heifer for sale and indicated where they were in the paddock. Bryant then said he didn't want to look at them right away. He said to Mr Larner, "I wouldn't mind buying Martin's place." That is Mr David and Mrs Sally Martin. And that reference Mr Larner took to be the next door property because Mr. and Mrs. Martin also owned property further down the peninsula, next door to Mr. Larner.
He then asked Mr. Larner if his wife was at home and Mr. Larner said, "Yes, she's up at the house." And he then asked if it was all right if he could go up to the house to see her and Mr. Larner responded, "Yes, that would be all right and I will come up." Bryant then responded that he might go to Nubeena first and then come back later in the afternoon if that was all right.
[Court Document pages 68, 69, 70]

(M) No time given ~ From Roger Larner's to Port Arthur ~
Bryant then travelled back from Palmer's Lookout Road to the entrance to the historic site. His vehicle was observed entering the site by tourists following him and he was also seen by a member of the historic site staff operating the toll booth on that day.
[Court Document page 70]

(N) About 1:10 to 1:15 ~ At the Toll Gate ~
His vehicle was observed entering the site by tourists following him and he was also seen by a member of the historic site staff operating the toll booth on that day. That person estimates that at approximately 1.10 to 1.15 p.m. she observed a yellow Volvo sedan in a line of vehicles waiting to enter the site. She noticed the surfboard on the roof racks and she noticed the sudden backwards movement in the vehicle whilst it was in the queue. When the vehicle arrived at the toll booth window Bryant complained that the driver in front of him had reversed without warning towards him.
[Court Document page 70]

(O) About 1:25PM ~ In the Car Park ~
At about 1.25 p.m. the security manager at the site, Mr. Ian Kingston, was directing people in the carpark when he saw Bryant, who indicated that he wanted to park his vehicle near the water's edge. Mr Kingston directed him away from that area because it is normally reserved for campervans and the carpark area was quite busy o that day. Bryant became argumentative but drove off in his car and parked it near the information centre.
[Court Document page71]

Cross references for previous Court Document extracts.

(A) When Martin Bryant departed from his New Town that morning, there was no proof that he had any guns with him, it is simply an assumption, in fact, there are some facts to indicate that the guns were already at Seascape.

(B) Midway Point is only 21 kilometres from Hobart, the accepted hour and a quarter journey to Port Arthur means that the average speed for the trip is 75 KPH, therefore it will take 20 minutes to arrive, allowing three minutes for Bryant to get his car on the road after setting the alarm, and an extra three minutes for the Hobart traffic, means that he should arrive at Midway Point at 10.10am.
This is some 20 minutes sooner than the DPP has suggested, allowing 4 minutes to buy the cigarette lighter would see Bryant depart at 10.14am for the second stop at Sorell.

The information given by Angelo Kessarios supports the time given by the Crown, he actually states, *Between about 10.30am and 11.00am.* Twice he describes Bryant as wearing a *brown coat that came down to his thighs, he had shoulder length blonde wavy hair, lace-up boots, and track pants on.*
As to the different demeanor, *When he spoke, there was no giggling, and there were no jokes. He just came in, bought the lighter and left, it was as though I was a total stranger to him - which I wasn't.*
[Sworn Statement: Angelo Kessarios 7th May 1996]

(C) Here we have a slightly later stop, and yet Mr Spiros Diamantis gives a much earlier time estimate, *Between 9.45am and 10am.*
Bryant's clothing is described as, *He was wearing track pants which were light green, and a dark coloured top.*
Despite carrying the Prince bag around the supermarket, and crouching down to get the sauce, Mr Diamantis makes no comment about the bag appearing to be heavy or difficult to carry, unlike later descriptions at Port Arthur, it is clear that the bag does not yet contain the guns!
[Sworn Statement: Spiros Diamantis 17th June 1996]

Sorell is 4 kilometres past Midway Point, he should arrive at 10.17am, allowing five minutes to get the Prince bag from the car, wander through the supermarket, and to pay for the sauce with small coins, the departure time should be about 10.22am.

(D) Gary King confirms the time given to the Court with, *Between 11am and 12 midday, could have been earlier, not certain about the time, definitely not later.*
He then took his coffee and sat in his car again. I went on with my normal duties and I think it was about 8-10 minutes after that, he drove off in the direction of Port Arthur.
[Sworn Statement: Gary King 17th May 1996]
The Crown version is again generous with the lateness of the time, as the village of Forcett is only 7 kilometres beyond Sorell, Bryant should have arrived here at 10.28am, after a 10 minute stop to order and drink a cup of coffee, he would have left about 10.38am.

(E) Christopher Hammond reported the time as follows, *At around 10.30am to 10.45am a yellowy coloured Volvo came into the store car park for fuel.*
The man got out of the Volvo and asked me for fifteen dollars worth of petrol, I put the petrol in and he paid me with a ten and five dollar note.
[Sworn Statement: Christopher Hammond 9th May 1996]

This is far too early for the Volvo to arrive at Taranna, which is 54 kilometres further towards Port Arthur, allowing 42 minutes driving, arrival should have been about 11.20am, six minutes would have been occupied purchasing the petrol, next stop would be Seascape after leaving here at 11.26am.
Worth noting is the fact that the petrol purchased was for the car, no comment was made by Mr Hammond about cans of fuel in the cabin of the car, a practise that is frowned upon.

(F) The Crown has claimed that Bryant murdered David and Sally Martin at this point, while this is certainly a very logical assumption, to assume that the gunshots heard from Seascape related to the death of the Martins, it fails to address the whereabouts of Martin Bryant at the time!
While the DPP has accurately reported the statement of Andrew Simmons, he appears to have totally distorted the supporting testimony of Doug Mc Cutcheon.
Mr Andrew Simmons was waiting for a ride to a Port Arthur seminar, he was watching the time because he was to be collected before 11am, in fact, Mr Simmons has since recounted the time he heard those shots as being 10.40AM.

I know it was prior to 11am, I was in my front yard with my wife, it was very still on the day, I heard very clearly two shots ring out.
They sounded as though it may have come from a rifle about the calibre of a .22. The direction it came from was from the area of Seascape.
[Sworn Statement: Andrew Simmons 4th May 1996]

Another local resident, Mr Douglas Mc Cutcheon, confirms the fact of gunshots **before** 11am, his statement somewhat contradicts what has been told to the Court, ***about twelve o'clock to twelve thirty.***
Mr Doug Mc Cutcheon also confirms his accuracy as a witness by placing the later shooting at Port Arthur at the correct time also.
On Sunday the 28th April 1996, sometime between 10.00am and possibly 11.00am (I'm uncertain of the time), I was outside of my house, chopping up firewood, when I heard a series of rapidly fired shots which appeared to come from the direction of Seascape.
I'd heard a similar sounding weapon before, sometime prior to Christmas, it is unusual to hear that kind of weapon, it had a pretty loud bark.
The first lot I heard were possibly 6 - 12 shots.
Following lunch, which is usually between 12 and 1pm, I went back outside and recommenced the cutting of the wood, and sometime after, between 1.30 and 2pm, I hear more shooting, the same sounding weapon, but more shots with shorter bursts.
[Sworn Statement: Doug McCutcheon 9th July 1996]

Now, here is the intrigue, before 11AM, or at 10.40AM, Bryant was somewhere between Forcett and Taranna at that time, so the person that fired the gunshots, and killed the Martins in the morning, could very simply not have been Martin Bryant, not if the Martins were killed under the conditions outlined by the Crown.

(G) David and Sally Martin were still alive when the Gunns left, and yet in their statement, there is no mention of the gunshots at Seascape, perhaps the time stated may have been one hour out, making their departure at 10.20 - 10.25 am, this would explain not hearing the shots at 10.40am.

The six of us had breakfast together the next morning, (28/4/96) at about 9am, Julie and Virginia left at about 9.30am. Sally went out to do some washing, and Stephanie and I talked to David for a while longer...
Stephanie and I left Seascape at about 11.15am - 11.20am, Sally came out to say goodbye. At this time, there were no other people at Seascape, there were no other vehicles.
[Sworn Statement: Donald Gunn 16th May 1996]

(H) When Mr Copping spots the Volvo at Seascape at 11.45am, consider that if Martin Bryant left New Town in Hobart at 9.50am, and the journey of 93 kilometres will take 75 minutes, and the errands will consume 25 minutes, then the arrival time should be at 11.30am, quite in keeping with the observation of Michael Copping.

I left home at about 11.40am, and travelled in my yellow Datsun 120Y coupe upon the Arthur Highway, I was travelling alone.

At about 11.45am, I was approaching Seascape, where David and Sally Martin live, I have known David and Sally for at least 15 years.
As I passed Seascape, I looked down towards Seascape as I would normally do. I saw a yellow Volvo sedan parked at a slight angle outside the front door to the Martin's house, the nose of the Volvo was facing back up the driveway, the car had been reversed into the door area of the residence, I noticed that the driver's side door was open, I saw nobody around the house or car.
[Sworn Statement: Michael Copping 10th May 1996]

(I) The Mason's confirm the Volvo being at Seascape at about 12.30pm, it would appear that they also spoke to Martin Bryant briefly.
At about 12.25pm we left the Cafeteria and returned to our car. We then drove out of the site intending to return to Hobart...
I pulled in off the road into the driveway of Seascape, then parked alongside the house. There was no one around when we pulled up at the house, it was very peaceful. I remember seeing a car parked in a cleared area in front of the front door. I can't recall the type of car it was because I didn't pay particular attention to it, it seemed to be a lightish colour, older model, sedan with squarish features.
[Sworn Statement: John Mason 29th May 1996]

(J) The persons spoken to by the driver of the Volvo were just outside the Seascape, their car had overheated.
We drove past the Seascape Bed & Breakfast accommodation and talked about how pretty it was, the car started to overheat so I stopped the car on the side of the road...
A motor vehicle pulled up behind our van...
The man said, "Have you got anything to sell?" I presumed that he meant marijuana and reached into the glovebox and showed him a small satchel which I had. He said, "How much". I said jokingly, "Fifty dollars will do". He then pulled out fifty dollars and gave it to me, I didn't believe he was a smoker because he didn't know he had paid too much for such a small quantity and quality...
I got into the van and drove towards Port Arthur, he got into his car and did the same.
[Sworn Statement: Gaye Lynd 30th May 1996]

(K) This observation comes of course from the statement of Mr Copping, the Volvo has just departed from the meeting with Gaye Lynd.

(L) It would appear that Martin Bryant drove his Volvo around Port Arthur to visit old acquaintances at some stage before the Port Arthur massacre, apparently he drove to Tasman Street before driving around the farm belonging to the Martins, then arriving at the farm of Roger Larner.

(M) The observation of the Volvo returning from this visit was witnessed by tourists James and Joanne Dutton.
At about 12.05pm on Sunday the 28th April 1996, my wife Joanne and I had lunch at the Fox & Hound Restaurant, we would have been there for about one hour, before leaving to go to the Port Arthur site.
I was driving a rental car, and not knowing the area, I missed the turn off to the site and continued until the first opportunity to turn.

I came to a t-junction and decided to turn there, I pulled over against the kerb, and as I did so, I saw a yellow Volvo sedan with the surfboards on top with one male driver... He pulled onto the highway, and drove past us heading towards the Port Arthur entrance, we turned in the intersection and went back towards Port Arthur.
We stopped at an Information Booth to look at the time table and site map, I saw the yellow Volvo at the Toll Booth, and then saw him leave. We went to the Booth and paid the entrance toll.
[Sworn Statement: James Dutton 28th April 1996]

(N) The entry of the Volvo to the site was noted by people in the Toll Booth.
Between 1.10pm and 1.15pm, I recall observing a yellow Volvo sedan in a line of vehicles waiting to enter the site...
The male driver produced $50.00 and I gave him the change with the tickets as well as a briefing, and he then drove off towards the site.
[Sworn Statement: Aileen Kingston 2nd May 1996]
At one stage I was relieving Aileen Kingston in the Toll Booth while she took her lunch break, between 1.10pm and 1.15pm, I recall a yellow Volvo with a surf board on the roof pulling up at the Toll Booth...
He didn't even complain about the $13.00 entrance fee, which a young person often does...
Later, between 1.25pm and 1.30pm, I was in the Information Office and the telephone rang, I answered the phone and it was Aileen from the Toll. We were having a conversation about the balance of money from the till up there, when I heard a gunshot.
[Sworn Statement: Steven Howard 30th April 1996]

At about 1.25pm on Sunday 28th April 1996, I was working at the Port Arthur Historic Site. At this time I was at the intersection of Tarleton Street and Jetty Road, I was there to direct people driving vehicles as to where to park within the complex.
At this time I stopped a vehicle, a yellow Volvo sedan with surfboards on top of it, there were no passengers in the vehicle. The driver of the Volvo was about mid to late 20's, he had long gingerish coloured hair, scruffy type hair, he was wearing a green jacket I think. He had a black bag on the back seat.
[Sworn Statement: Ian Kingston 28th April 1996]

Summary and additional witness statements.
While the prosecution has failed to place Martin Bryant at Seascape when the Martins are murdered, there is another problem with the Crown hypothesis.
According to the Crown, Martin Bryant has travelled from Hobart, to Midway Point, Sorell, Forcett, Taranna, Seascape, Palmers Lookout Road, and then to Port Arthur; while this seems quite logical, there was another eyewitness statement that was in the DPP's brief, but not included in his Court hypothesis.

About 12 noon on Sunday 28th April 1996, my pop, Joe Nichols, dropped me off at the Port Arthur Store on the Tasman Highway, Port Arthur. I intended to hitchhike a ride into Hobart, to go to a birthday party in Warrane, I couldn't get a ride, so I walked to the Fox & Hounds, where I went in and got a drink of coke.

I left the Fox & Hounds and walked along the highway towards Hobart, I had been walking for two or three minutes when I saw a yellow Volvo with a surfboard on top, coming down the highway towards me.
The Volvo passed me and kept going in the opposite direction.
I kept walking for about another two or three minutes, when the Volvo passed me going in the same direction as I was walking.
At this stage I was still thumbing a ride, I saw the Volvo's brake lights come on, and I thought the car was stopping, so I ran towards it.
The Volvo didn't stop, it turned right, and went down the driveway into Seascape, I kept walking and finally got a ride by an ambulance driver at Taranna.
The driver of the Volvo had sort of bleachy blonde hair, he looked like a real young looking bloke, I haven't seen this person about Port Arthur before.
[Sworn Statement: Jai Nichols 8th May 1996]

This information is quite intriguing, it has the Volvo returning back to Seascape from the direction of Port Arthur, I can see why it has been left out of the equation, at a glance, it simply does not make sense.

There are a number of possible ways that Jai Nichols information could work in with the statement of Michael Copping and others.
#`1 would be that the Volvo has journeyed from Hobart at 9.50am, Midway Point at 10.10 until 10.14am, Sorell at 10.17 until 10.22am, Forcett at 10.28 until 10.38am, Taranna at 11.20 until 11.26am, reaching Seascape at about 11.30am.
The Volvo is spotted at Seascape at 11.45am (Copping), still there at 12.30pm (Masons), near Fox & Hounds (Nichols), near the Port Arthur store at 12.40pm (Copping), Roger Larner's at 1.06 until 1.16pm, Arthur Highway at about 1.10pm (Duttons), return to Seascape (Nichols), Toll Gate at about 1.10 - 1.15pm (Kingston).

The Crown version... from Roger Larner's to Port Arthur really stretches the imagination. Even without inserting the return to Seascape, to leave Larner's at 1.16 after the ten minute chat, and spend 4 minutes to return to Port Arthur, makes the time 1.20pm, the arrival at the Toll Booth is too late. The minimum onsite time to the shooting commencement is 22 minutes, the massacre would be at 1.42 instead of the known 1.28pm, missed by 14 minutes.

#`2 would be that the Volvo has journeyed from Hobart at 9.50am, Midway Point at 10.10 until 10.14am, Sorell at 10.17 until 10.22am, Forcett at 10.28 until 10.38am, Taranna at 11.20 until 11.26am, reaching Seascape at about 11.30am.
The Volvo is spotted at Seascape at 11.45am (Copping), near Fox & Hounds at 12.15pm (Nichols), travels past Port Arthur to Roger Larner's at 12.35 (Ray Martin), Arthur Highway 12.45pm (Duttons), return to Seascape at 12.50pm (Nichols), near the Port Arthur store at 1pm (Copping), Toll Gate 1.05pm allowing 22mins +1 = 1.28pm

#2 extended Movements of the Volvo sedan

9.50am	Departure from home
10.10 - 10.14am	Midway Point
10.20am	Mr And Mrs Gunn leave Seascape , Martin's are still alive.
10.17 - 10.22am	Sorell

10.28 - 10.38am	Forcett
10.40am	Shots are heard at Seascape, murder of David Martin.
11.20 - 11.26am	Taranna
11.21 - 12.20am	Seascape
12.20pm	Volvo at Seascape (Masons)
12.25pm	Travels past Fox & Hounds (Nichols)
12.35 - 12.42pm	At Roger Larner's farm (Ray Martin)
12.45pm	Arthur Highway towards Port Arthur and Hobart (Dutton)
12.50pm	Seascape return (Nichols)
12.55pm	Departure from Seascape to Port Arthur.
1.00pm	Volvo near general store (Copping)
1.05pm	Toll Gate
1.28pm	Shooting commences

This hypothesis also has some problems, it requires that the visit to Roger Larner be ½ hour sooner, this is quite possible, as covered in the chapter on timing discrepancies, also that the Dutton's spend some minutes at the Information Booth before viewing the Volvo at the Toll Booth.

One thing is very clear, there is insufficient information in the DPP's brief to accurately reconstruct the morning. Only a Royal Commission can unravel the real facts of what has or may have occurred between Hobart and Port Arthur.

CHAPTER 13
MURDER OF THE MARTINS.

It is an old maxim of mine that when you have excluded the impossible, whatsoever remains, however improbable, must be the truth.
Conan Doyle

The murder of David and Sally Martin, the proprietors of the Seascape Guesthouse, was a tragic event in the extreme
The killing of an elderly couple in the sanctity of their home is certainly a very heinous crime, one that deserves to be fully investigated and understood.
There are of course no known witnesses to their murder, and because Martin Bryant was the only one at Seascape at the end of the day, he of course would seem the very likely culprit, and this is supported by comments that Bryant has made since.
This may be the truth of the matter, but the hypothesis presented to the Court does not prove Bryant to be guilty, in fact it raises very serious doubts about what transpired that morning, doubts that suggest another party may have been involved

What we do know for sure is that Mr David Martin was killed with two gunshots, and that he had been gagged, and that Mrs Sally or Noelene Martin had been bludgeoned with five blows to the head resulting in a fractured skull.
We also know that there were shots heard in the area around the possible or suggested time of murder, as with most times expressed in the Court Document, they are approximate only.

For the sake of a little detective work, many of the facts pertaining to what actually did and did not occur on that morning should have been clearly evident, there is no mistaking the reality that the authorities, the prosecution, and the defence counsels, all have turned a blind eye to the obvious, and even worse is the fact that the DPP has distorted and ignored what has been recounted by eyewitnesses, equally disturbing is the omission of facts.

In particular, to not factor in the time required by Martin Bryant to travel the 93 kilometres, the hour and a quarter, plus stops, required to journey from Hobart.
Sufficient eyewitnesses have recounted his time consuming distractions along the way, others have reported the gunshots heard in the area of Seascape that morning. And most strange is that the Gunn's have not reported these gunshots in their Statements, despite the fact that they were at Seascape until 11 15 to 11 20am that morning.

The confirmed events after Martin Bryant leaves New Town.
It is known that Martin Bryant set his house alarm at 9:47AM, so by **9:50AM** he would be driving off in the Volvo towards Seascape
Hobart to Port Arthur is a journey of 97 kilometres on a bitumen road, therefore the trip to Seascape will be 93 kilometres, with several towns along the way with 60K limits. Assuming that Bryant could average the impossible average of 90 KPH, the soonest that he could arrive at Seascape would be 62 minutes later, provided he did not stop along the way, but we do know that he made several stops along the way to

purchase items and to drink a cup of coffee, that would add a further 25 minutes to the journey, therefore the very unlikely arrival time would be **11:17AM**.
Or, at the much more likely average of 75KPH, travelling time of 75 minutes plus 25 for errands totals 100 minutes.
Therefore, Bryant's arrival at Seascape would have been somewhere about **11:30AM.**
Courts description of shots observed in the area by Mr Simmons.
There were two interesting observations made late in the morning and at about midday by two people who reside in the area, one Mr. Simmons, heard at about 11 a.m. two shots. He knew the Martins well and he knew on that day that it was Mr Martin's birthday.
[Court Document pages 62]

We have just been informed by Damian Bugg that a Mr Simmons heard two shots ***at about 11AM.***
What we are not told is that Andrew Simmons was an employee of Port Arthur, and that he was going to a seminar that morning and was waiting to be picked up.
Mr Simmons was very conscious of the correct time therefore, and Mr and Mrs Simmons have since stated that the two gunshots occurred at exactly **10:40AM.**
Again, whether one uses the Crowns time of about 11am, or the exact 10.40am, Martin Bryant cannot possibly be responsible.

The Crown distorts the timing of shots heard by Mr Mc Cutcheon.
Further down towards Port Arthur and near the boat ramp a Mr Doug McCutcheon heard a series of rapidly fired shots and his best estimate of the time of that was ***about twelve o'clock to twelve thirty****. He estimated that the calibre of the rifle used was larger than .22. He has some experience with firearms and some sensitivity about it, being involved in the operation of a fish farm. He claimed that whenever gun shots went off in the district he was blamed for shooting seals.*
But he estimated that in that volley of shots there would have been six, at the most twelve shots. Later in the day he heard further shooting when Bryant was in Port Arthur.
In that late morning how many shots were fired and precisely when is difficult to determine but these two residents heard shooting on that day in the pre-lunch period and the Crown case is that Bryant shot Mr. And Mrs. Martin at about that time.
[Court Document pages 62, 63, 64]
Absolute bunkum, this account of the time is at complete variance to what Mr McCutcheon has observed and reported in his sworn statement.

On Sunday the 28 April 1996, sometime ***between 10.00am and possibly 11.00am*** *(I'm uncertain of the specific time), I was outside of my house chopping up firewood when I heard a series of rapidly fired shots which appeared to come from the direction of Seascape.*
I'd heard a similar sounding weapon before, sometime prior to Christmas- it is unusual to hear that type of weapon, it had a pretty loud bark.
The first lot I heard were possibly 6-12 shots.
Very occasionally we may hear people shooting in the distance, but nothing like this short sharp burst.

I was a sergeant in the cadets at school and fired .303 BREN guns (fully automatic .303). I've had plenty of use of smaller calibre rifles.
Following lunch which is usually between 12 and 1pm I went back outside and recommenced the cutting of the wood and sometime after, between 1.30 and 2pm, I heard more shooting, the same sounding weapon, but more shots with shorter bursts.
[Sworn Statement: Doug McCutcheon 9th July 1996]
Ed. The DPP has totally misquoted Mr McCutcheon's sworn statement, it may fit the case for the prosecution because Martin Bryant has now had the time to arrive, but the time given in the sworn statement is quite different, ***sometime between 10.00am and possibly 11.00am***, and of course Bryant at 11am is still 30 minutes away from Seascape.

It is quite possible that the early volleys of shots would have been a final testing of the AR15 and the FN FAL, to ensure they were in readiness for Port Arthur, reliable function would be paramount to minimise the risk of capture, possibly the Daewoo shotgun was the insurance policy.
If these shots were fired between 10 and 11 am, there is no way that Martin Bryant could be involved as he was in transit from New Town from 9.50am until about 11.30am.

David Martin was killed by two gunshots.
Forensic examination has confirmed that Sally Martin was bludgeoned to death with 5 blows to the head, and that David Martin had been gagged, and presumably bound, and that he was killed with two gunshots.
One can only presume that this occurred at 10:40AM when Mr Simmons heard two shots, and we know that Martin Bryant is a further **50 minutes away!**

Courts description of the Martins post mortem.
In the case of Mr David Martin and examination of the body in situ and at the subsequent post mortem revealed a cloth gag tied around the neck and covering the mouth and chin. There was appeared to be a gunshot entry wound just beneath the right ear, the wound track running downwards through the neck muscles into the chest.
A second probable gunshot exit wound was located 1.5 centimetres beneath the base of the neck. No corresponding entry wound could be located due to severe tissue destruction caused by the fire. Examination of the trachea showed no evidence of carbon deposition and toxicology results confirmed a conclusion that Mr Martin had died as a result of two gunshot wounds inflicted by Bryant before the fire started. I refer your Honour to Photographs number 983 and 997.
Sorry, 983 and 997.
Your Honour, it is likely that Bryant also stabbed Mr Martin. The results of DNA profiling carried out on a blood stain on the knife recovered from the Prince bag Bryant left behind at the Broad Arrow Café indicates a high probability that Mr Martin or Mr Martin's blood was a contributor to the stain.
In the case of Mrs Noelene Martin her body had been severely incinerated by the fire. The autopsy revealed five lacerations over the back of the head and an associated depressed skull fracture, indicating blunt force trauma of considerable force to the back of the head. A number of small fragments of lead shrapnel were located in and around the left shoulder area and chest cavity, indicating a gun shot injury to this

area, although injury caused by exploding ammunition during the blaze could not be ruled out as the cause of that. Again toxicology results confirmed the conclusion that Mrs Martin had died before the fire, most probably as the result of the combined effect of severe blunt force head injury and probably a gunshot wound to the chest area. I refer your Honour to photographs 999 and 1008
[Court Document page 186]
One would have to ask the question, how would a lone gunman be able to tie and gag someone without assistance, and why would David Martin be so constrained, there are a number of reasons possible.
One would then be able to control Sally Martin in the case of stray visitors, she could then be forced to placate or discourage any interruptions, the other reason may have been to disable Mr Martin who may have been some threat with his intimate knowledge of his own property, once David Martin was restrained, the intruder could then use Mrs Martin to locate telephones, weapons, keys, and the guestbook to make sure there would be no interruptions.

Courts description of visitors and events at Seascape.
Tourists to Tasmania at the time, Donald and Stephanie Gunn, had spent the night at "The Seascape". They departed at about 11.15 to 11.20 a.m. and at that time David and Sally Martin were in residence, all the other guests had departed, the Gunns stayed chatting to Mr. & Mrs. Martin and then later when they departed they noted that both of the Martins were engaged in chores about "The Seascape", so at about 11.20 a.m. the Crown case is that Mr. & Mrs. Martin were at the premises on their own.
[Court Document page 64]
Ed. The time given here makes absolutely no sense, if the Gunns were still here at 11.15, why did they not hear the deafening series of gunshots as reported by the neighbours. Unless the time was actually one hour earlier.

Mr Copping sights the Volvo after it arrived at Seascape.
At about 11.45 a.m. a Peninsula resident, Mr Copping, drove past "Seascape" on the Arthur Highway. He had known the Martins for a number of years, and when he looked towards "The Seascape" building he observed a yellow Volvo sedan backed up into the front door of the main home with the driver's door open. There was a surfboard on the rack and he took particular notice of this because being a person who had surfed in the area some many years before he knew that the weather was not good for surfing and he recalled that when he spoke to the police because he said he thought to himself at the time that a lot of surfers had improved somewhat since his day of surfing if they could afford to stay overnight when the weather was like that

By this time Martin Bryant has finally arrived at Seascape with the Volvo, the more likely estimate of arrival of **11:30AM** seems to fit very nicely with Mr Copping's observation.

The Crown has fitted Bryant to the crime.
We now know, using known facts, that Martin Bryant had no chance of reaching Seascape before 11.30am, and yet we find that the Crown has shifted the goalposts to fit the crime to Martin Bryant's latter arrival.

Sure, Bryant has now had time to arrive by 11.45, but the time frame for the shooting elapsed 45 minutes ago!

***The Crown case is that in that intervening time, that is, between 11.45 and 12.40, Martin Bryant shot and killed Mr. & Mrs. Martin**, and I say this because not only were shots heard by the residents I have mentioned but on the same day Victorian tourists, Maureen and John Mason, who had visited Port Arthur and were returning to catch a flight from Hobart, called in to look at "The Seascape" premises on their way out of the Peninsula at about 12.30 p.m.*
So noticed the property on the way into Port Arthur and they were attracted by it and thought that they might come back and visit the premises on a future holiday.
On later hearing of the events at Port Arthur Mrs. Mason was to describe to the Police what occurred when she and her husband drove onto the Seascape property. She said that her husband stopped the car, they both alighted from the vehicle and started to walk towards the house. She has a vague recall of a squarish shaped vehicle near the house but didn't take any particular note of it.
She then told the police "Suddenly a young man appeared in front of us out of nowhere, he appeared agitated, he was making jerking movements with his hands and wasn't still, moving about nervously. My husband said to him 'I wonder if we could have a look at one of the apartments?' and he said 'No, my mother and father are out for ten minutes' He said, 'I can't show you around because I've got my girlfriend inside'" Mrs. Mason described his manner of speech as strange and "I opined that he was speaking as if something was wrong". She said his manner of speech was not natural and she said that he appeared quite rude and she became uneasy about him. She told the Police that at this time all she wanted to do was just get away from the property as quickly as possible and she asked her husband to do so by saying "Come on let's get out of here". Both Mr. and Mrs. Mason then re-entered the car, drove away from the property, back along the Highway. Mrs. Mason looked back over her shoulder as the car travelled onto the Highway and she said that the person she had spoken to was standing in front of the house looking in their direction. Their time of departure was about twelve thirty-five p.m.
[Court Document pages 64, 65,66]

Admissions at Risdon Prison.
The following was a conversation between Blair Saville, one of the guards at Risdon Prison, and Martin Bryant.
Saville: Where were the Martins?
Bryant: They were dead.
Saville: How did they die?
Bryant: I shot them, they were pretty old, they had a good life. Do you think everyone is over it now?
Saville: No, they will never get over it.
[Conversation: Risdon Prison 3rd August 1996]

The following transcript also took place at Risdon Prison, between Robert Munro, a guard, and Martin Bryant.
During the conversation, I heard BRYANT say to words of the same effect and related to the best of my recollection, "I had three hostages, an old man and woman, and a thirty three year old chap from Victoria".

He said, "I had them tied up". He said, "I fed him up well, I cooked him up bacon and eggs, and gave him blackcurrant juice".]
I said, "Did you feed the old couple"? He said, No, they had had enough".
I said, "What happened to the hostages".
BRYANT then threw both arms up in the air, stood back from the door, and said, "I killed them all".
[Conversation: Risdon Prison 22nd August 1996]

It is certainly possible, and also very likely that Martin Bryant did indeed murder Mr and Mrs Martin, he had the opportunity, he had the motive, and he has admitted to the deed (in private). Until there is a discovery of who fired the high powered rifles at Seascape, and until there is a plausible hypothesis that covers all the eyewitness accounts, one could say that Bryant is not yet guilty beyond all reasonable doubt.

CHAPTER 11
FROM THE TOLL GATE TO THE BROAD ARROW.

Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence.
John Quincy Adams

The movements of the gunman upon entering the site have been somewhat muddied during the Sentencing Hearing, aspects of the timing have also been described in a somewhat careless fashion.

Fortunately, there is sufficient information in the eyewitness statements to reconstruct a better hypothesis of what actually occurred.

Arrival at the Toll Gate.
His vehicle was observed entering the site by tourists following him and he was also seen by a member of the historic site staff operating the toll booth on that day. That person estimates that at approximately 1.10 to 1.15 p.m. she observed a yellow Volvo sedan in a line of vehicles waiting to enter the site. She noticed the surfboard on the roof racks and she noticed the sudden backwards movement in the vehicle whilst it was in the queue.
When the vehicle arrived at the toll booth window Bryant complained that the driver in front of him had reversed without warning towards him. This witness made a full statement to police not only of Bryant's entry to the site but also of later events which occurred near the toll booth and they will be covered in detail by Mr. Perks later in this hearing.
[Court Document page 70]
This promised further detail never occurs in the Courtroom.

Between 1.10pm and 1.15pm, I recall observing a yellow Volvo sedan in a line of vehicles waiting to enter the site...
After he had left, I started to check some monies that had been taken by a work mate during my lunch break. At about 1.25pm, I rang through to Steven Howard to tell him that the money appeared correct.
[Sworn Statement: Aileen Kingston 2nd May 1996]

Between about 1.10pm and 1.15pm, I recall a yellow Volvo with a surf board on the roof pulling up at the toll booth...
Later, between 1.25pm and 1.30pm, I was in the information office and the telephone rang, I answered the phone and it was Aileen from the toll. We were having a conversation about the balance of the money from the till up there, when I heard a gunshot.
[Sworn Statement: Steven Howard 30th April 1996]

Elapsed time = Zero

Toll Gate to the car park.
The distance from the Toll Gate to the car park is about 600 metres, this would take approximately 2 minutes.

At about 1.25 p.m. the security manager at the site, Mr. Ian Kingston, was directing people in the carpark when he saw Bryant, who indicated that he wanted to park his vehicle near the water's edge. Mr Kingston directed him away from that area because it is normally reserved for campervans and the carpark area was quite busy o that day. Bryant became argumentative but drove off in his car and parked it near the information centre. Mr Kingston attended other matters and then later noticed that Bryant had moved his car back to the water's edge. He saw Bryant alight from the car carrying a bag, a sport's type bag, a video camera, and he then walked towards the Broad arrow café.
[Court Document page 71]

Elapsed time = Arrival plus 2 minutes

Entering the car park area.
Having this conversation with Ian Kingston in the carpark would probably occupy thirty seconds.
At about 1.25pm...I stopped a vehicle, a yellow Volvo sedan with surfboards on top of it...
I asked the male to do a U-turn and head back up Jetty Road, and park in front of other vehicles that were facing North...
He was a bit jumpy, he drove off and drove about 40 metres further down and parked in front of the information site.
He seemed to sit in the car for probably about five to ten minutes, but next time I noticed, he had moved over to the water front and parked where the tourist buses parked, right by the water...
About five to ten minutes after he walked off from the vehicle, I heard a banging sound coming from the restaurant.
[Sworn Statement: Ian Kingston 28th April 1996]

Just before 1pm, Karen Jones, 32, and Philip Milburn, 34, drove into the crowded Port Arthur car park...A blond man in a yellow Volvo caught Jones's eye, "Women's instincts," she now laughs easily about seeing Bryant before the killings. "You sort of check things out, he looked and I looked back and that was it."
About half an hour later, as they explored the ruins, they heard shots.
[WHO Magazine 13th May 1996

Elapsed time = Arrival plus 2 minutes, 30 seconds

Parking at the Information Centre.
To do a U-turn, and drive back 40 metres to park at the Information Centre, would take some 90 seconds.

Elapsed time = Arrival plus 4 minutes

Waiting at the Information Centre.
Then we are told that the gunman sits in the Volvo for about 5 to 10 minutes, before moving again and parking at the bus area.
He seemed to sit in the car for probably about five to ten minutes, but next time I noticed, he had moved over to the water front and parked where the tourist buses parked, right by the water...
[Sworn Statement: Ian Kingston 28th April 1996]
Elapsed time = Arrival plus 9 to 14 minutes

Leaving the Information Centre.
Shortly afterwards I watched him walk into the Information Centre. He was only inside the building for a short time, about 30 - 40 secs in total, before he came out.
[Sworn Statement: Ian Kingston 7th October 1996]
To walk in, spend the 30 - 40 seconds, and to return to the Volvo, add one minute.
Elapsed time = Arrival plus 10 ½ to 15 ½ minutes

Parking at the water front area.
Moving the Volvo from the Information Centre to the bus car park at the water front, would take another minute.
Elapsed time = Arrival plus 11 ½ to 16 ½ minutes

Entering the Broad Arrow for the first time.
Then to unload the Prince Bag and the Video Camera from the back seat, and to walk across to the Broad Arrow Café would occupy another 90 seconds.
Elapsed time = Arrival plus 13 to 18 minutes

Purchasing lunch in the busy Broad Arrow Café.
The Café was crowded during the busy lunch period, to wait, negotiate the bain-marie line, and pay for the meal, would occupy a further 4 to 5 minutes.

Bryant entered the Broad Arrow café at about 1.30 p.m. He stood at the servery and obtained food and drink, a fact which was noticed by one of the witnesses consisting of a cup of fruit juice and also a can of fruit juice. He left the café to take a seat outside and as he left the door was held open for him at his request by Mrs. Carol Pearce and Mrs. Carmel Edwards members of a party of ten who were just entering the café. Comments were made to Bryant about the size of his meal which he was taking out with him and he responded saying that he had been surfing all day. He walked on to the balcony and seated himself at one of the tables
[Court Document pages 71,72]

Ron Neander first spotted the person resembling Martin Bryant about 1PM, he was standing in the food line and chatting amiably with the customer behind him, Mr Neander observed the huge tennis bag *It was about 3ft 6in in length* and he thought, *Cripes, if he puts any more in this, he won't be able to carry the damn thing.*
After eating, the Neanders moved on to the annexed souvenir shop from where they heard the shooting start, Ron saw him *Standing in the middle of the room, Rambo style...bang, bang, bang, bang, bang.*

So, according to survivor Ron Neander the gunman was there about 1PM waiting in the food line, quite different to the official line that he did not get to the Café until 1.30PM.
[WHO Magazine 13th May 1996]

Picking up a plastic tray, he stood quietly in the busy queue in front of the bain-marie. After considering and then rejecting some sandwiches, he chose a hot meal and walked back outside.
[Sydney Morning Herald 4th May 1996]

We all entered the restaurant at about 1.20pm and sat at the first table, which is just inside the door. Carol and I left the restaurant to go to the ladies toilet situated about 250 metres away... When we returned, we entered via the 'in' door which led to a glassed in porch area.
As we entered this area, a male person was standing near the opposite door which led to the outside eating area. He was holding a tray of food and had a bag on his person, the bag was a large sports type bag.
[Sworn Statement: Carmel Edwards 28th April 1996]

Elapsed time = Arrival plus 17 to 23 minutes

Exiting the Café to eat lunch on the Balcony.
At about 1.00pm or so...we went into the restaurant and purchased some takeaway food, the restaurant seemed pretty full, so we went and sat outside at the tables on the terrace.
After about 10 minutes a male came and sat at the table directly behind me. He was trying to strike up a conversation with Rebecca... I could hear that he was trying to strike up a conversation with someone else...
I heard the male get up in a rush and anxiously walk quickly past us back to the door of the restaurant, he had only been seated behind me for about 2 -3 minutes I think.
[Sworn Statement: Michael Beekman 28th April 1996]

To walk out and locate to a table, another minute.

Elapsed time = Arrival plus 18 to 24 minutes

Going back into the Broad Arrow Café.
The gunman then has to eat his lunch, another 2 minutes if he was a hurry as reported, then he has a conversation with an elderly couple, say 30 seconds, then the conversation with Rebecca McKenna of about 60 seconds, then a further minute elapsed before picking up the bag and camera, placing them on his left shoulder, gathering the tray with his left hand, and returning to the Café, another 30 seconds to complete this and get inside.

Elapsed time = Arrival plus 22 to 28 minutes

Commencement of shooting.
About 1.28pm, a number of loud noises, to me, these being what I would describe as gunshots, erupted from the eastern side of where I was seated.
[Sworn Statement: Justin Noble, of the New South Wales Police 30thApril 1996]

I was in the Information Office from 1pm onwards, I was due to leave with a tour at 1.30pm...
I was on the phone at approx 1.23pm to 1.26pm... during and after the phone call, there were constant banging noises...
A lot of people congregating outside the Information Office for the 1.30pm tour, approx 70 odd people... remarked about it being a re-enactment.
[Sworn Statement: Ashley Law 30th April 1996]

We arrived, and went to the restaurant at approximately 1.15pm, we were seated at the restaurant, and had been there for about 10 minutes, when I heard three shots fired behind me..
I first saw this person when he walked into the restaurant a short time after us, he was carrying a large blue nylon sports bag with red handles
[Sworn Statement: Faye Richards 28th April 1996].

Elapsed time = 22 to 28 minutes after his arrival onsite

To summarise, the Crown has informed that Bryant arrived on site driving the Volvo, and that this was, *at approximately 1.10 to 1.15pm.*
We are then informed that Bryant was next seen in the carpark, *at about 1.25pm*, thus expanding a two minute drive of some 600 metres, into a 10 to 15 minute journey.
The Crown then touches on Bryant parking near the Information Centre, and moving his car *back to the water's edge*, before he, *entered the Broad Arrow café at about 1.30 p.m*, thus compressing the events of some thirteen minutes down to a mere five minutes.
Because this scant hypothesis fails to support itself, some credence must be placed on the other eyewitnesses that reported Bryant or the Volvo being on site much earlier, before 1pm actually.
How absolutely amazing that the Crown, with full resources at their fingertips, have been totally unable to reconstruct the timing and sequence of events for that Sunday morning.
The journey from Hobart has been distorted, the movement of the Volvo around the local area between Seascape and Larner's farm has been thoroughly confused and buried, and keeping in with a complete lack of full and factual reconstruction, the entry into the Port Arthur Historic Site has received the same treatment.

Little wonder that Martin Bryant never got to trial, an average defence lawyer would have ripped the Crown's flimsy accusations to shreds!

CHAPTER 15
A SIMPLE WEEKEND SHOOTER, OR A HIGHLY TRAINED ONE.

He appeared to me to be the best trained army guy I've ever seen,
his stance was unbelievable.
Neville Quin

Quite a few of the survivors made similar comments about the gunman's prowess in the Broad Arrow Café, his calmness, and his ability at close order combat, dispatching the first 12 victims in 15 seconds with head shots, and the way he swivelled around as he fired to prevent his being tackled, these stamped his confidence and ability with a rifle in a crowded situation.
Was this the Martin Bryant that everybody knew, with learning difficulties, and that only had a occasional plink with his guns at a few stationary targets; or was this someone with a Walter Mitty type existence, someone that had been given expert advice, coaching, many hours of practice, and an indoctrination into close quarter combat.

Cool, calm, and collected.
Your Honour, throughout the incidents that I described to you today most people who had an opportunity to observe Bryant stated that he appeared calm, unrushed and not showing any signs of emotion, with the exception of Mr Riviere's comments as to his observations of Bryant at the start of the shooting.
[Court Document page 140]

Unlike some mass murderers, Bryant did not enter the café and spray shots wildly about with his AR-15. He coldly and quite deliberately set about to kill as many individuals as possible, firing from the hip while within the café, and more often than not using a single shot to the head to achieve his objective. Few carefully aimed shots were required due to the proximity of his victims.
[Australian Police Journal: September 1988: Sergeant Gerard Dutton]

James Balasko, the tourist from America who took a video of the gunman walking to his car, had this to say about his attitude of the gunman, *Throughout the whole ordeal, he was really cool and calm. There was no hysteria about him at all, he did everything in a very together way.*
[Sworn Statement James Balasko 29th April 1996]

John Godfrey was nearby at the Information Centre when the shooting commenced, his comment was that, *He appeared to be calm and relaxed, and in no hurry.*
[Sworn Statement John Godfey 7th June 1996]

What is the explanation for the change from the person described below, to the cruel, callous murderer at Port Arthur.
The videos we would watch were always bought by Martin, they were usually action videos, by that I mean Jacky Chan which is karate, a couple with Stephen Segal, one

with Sylvester Stalone, and one week, Arnold Schwartzneger. In all the action parts he would comment like, "that's good".
We would often go to the theatre, we went and saw "Casino", in that they were torturing a man, and they went to squash his fingers, Martin said it was too violent, so we left.
[Sworn Statement Petra Willmott 30th April 1996]

The gunman's military prowess.
This incident is unique in relation to the wounds for several reasons. Twice as many people were killed as injured (the reverse normally being true) and all those who received injuries which were not immediately fatal, survived.
In most cases of large multiple homicides involving centrefire rifles, more people are wounded than killed.
[Journal of the International Wound Ballistics Review: Vol 3, No 4]

The next thing I recall, I was under the table, and I can remember seeing his feet moving quickly, he appeared to be prancing, or something similar.
[Sworn Statement: Maree Broome 15th May 1996]

He was in the area diagonally across from me, he seemed to be like waltzing around, shooting from the hip area.
[Sworn Statement: Ronald Fowler 30th April 1996]

I could see he was holding what I thought was a rifle in his right hand at hip level, I got to about a metre away from the lattice, when I noticed that the male shuffled further forward a bit more towards our table.
[Sworn Statement: John Riviere 1st August 1996]

Retired brigadier Francis Phillip ("Ted") Serong, DSO, OBE, is a revered figure among Freedom Scouts and other militia groups. Ian Murphy refers to Serong's recent book, Defence of Australia Analysis, as "our Bible". In Vietnam, where he was commander of Australian forces from 1962 to 1965, Serong was reportedly a brilliant but "enigmatic" jungle warfare tactician whose private audiences with then US President Richard Nixon were much resented by American generals in the field.
Often depicted as a caricature of the hawkish Right, the staunch anti-Communist retired from the army in 1968, staying in Vietnam as an adviser to the South Vietnamese and US governments until war's end in 1975. Something of a mystery figure, he lives in Melbourne and rarely gives interviews.
Where does Serong stand on the Martin-Bryant-didn't-do-it theories? He believes them. What's more, he's prepared to say so publicly. ***"There was an almost satanic accuracy to that shooting performance,"*** *he suggests.* ***"Whoever did it is better than I am, and there are not too many people around better than I am."*** *(At 83, he probably means in his heyday.)* ***"Whoever did it,"*** *he says again,* ***"has skills way beyond anything that could reasonably have been expected from this chap Bryant ... If it was someone of only average skills, there would have been many less killed and many more wounded. It was the astonishing proportion of killed to wounded that made me open my eyes first off."***
He thinks more than one killer was involved. ***"It was part of a deliberate attempt to disarm the population, but I don't believe John Howard or his Government were***

involved. Howard is being led down a track. He doesn't know where it's leading, and he doesn't much care..."
Can he suggest who was behind the alleged conspiracy? "I could, but I won't."
[The Age: A few bullets short of a militia: 10th April 1999]

Martin Bryant, the non smoker, bought marijuana outside Seascape.
After leaving Seascape, with the keys to the cottages in his yellow Volvo, BRYANT stopped to offer assistance to some young females who had broken down on the side of the road.
From them he purchased a small quantity of cannabis and invited them to meet him later at the Broad Arrow Café for coffee.
[EMA page 4]

A woman reported that her car had broken down on the highway just outside Seascape and that at about 12.30pm another driver had stopped to give her assistance. She had been smoking a "joint" as she waited beside her car, and the good samaritan - who again matched Bryant's description - asked if there was anything for sale.
She obliged with a fifty dollar packet of cannabis.
[SOS page 158]

Because we are told by the Mullen report, as well as the police interrogation, that Martin Bryant has never used drugs or even smoked, this purchase seems most unusual, I wonder was Bryant tested for opiates in hospital.

Why bring the video camera and other objects to incriminate himself.
Struggling into the Broad Arrow with the heavy bag, the door was held open by different people as Bryant went in and out, thus demonstrating the awkwardness and difficulty in carrying the Prince sports bag.
Despite the weight of the weaponry in the Prince sportsbag, commonsense would dictate that no one would increase the burden and clutter by bringing along a large full size video camera.
Then, why leave your own car on site for easy identification, and why leave your passport in the car. In fact, the whole lead up as well as the entire episode at Port Arthur, was one long series of self incriminating clues, why?

The contents of the Prince bag.
What kind of person spends considerable time planning a massacre, and yet goes to the trouble of bringing along a knife with the victims blood on it, and leaves it behind in a bag that belongs to himself.
Mr Avery said Bryant did not act on impulse, or without considerable planning. "I don't have any doubt he knew what was he was doing - and why he was doing it," he said.
[Herald Sun Date-09/03/1997]
What a considerate murderer, the usual problem is that the murder weapon has been dumped into a river, but here the murderer has taken the trouble to not only bring it along, but to leave it behind with some of his own DNA.

Your Honour, the bag was left by Bryant in the café after he departed and I would tender that, along with a towel which was found to be in it. There was also some clothing but I won't tender that, your Honour, the Crown places no relevance on that. There was a towel, a hunting knife – sash cord rope in two lengths. While they are being tendered, your Honour, I will just say that subsequent DNA analysis of the hunting knife and deposits that were observed on it disclosed that there was blood on the knife of a DNA type matching Mr. David Martin. A very refined test undertaken, the results of which only came to my office on Friday, has disclosed that there was also a DNA sample which was unable to be identified initially but it has now been identified as being consistent with that of Martin Bryant, but obviously from his plea there is no dispute about that now.
[Court Document pages 76, 77]

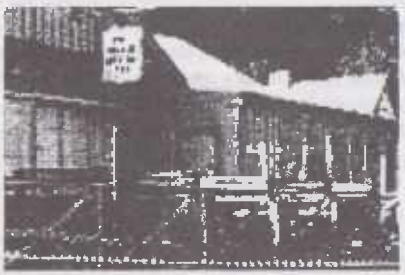
Martin Bryant never admitted to being at Port Arthur that day.
Martin Bryant, despite leaving so many clues that morning, and at Port Arthur, damning clues that were highly conspicuous and leaving no doubt as to his own identity, then chose to wait around at Seascape instead of escaping in the BMW, thus being there at the end of the siege, so why did he bother to deny his presence at Port Arthur that day.

Perhaps the words of survivor Neville Quinn are very close to the mark, when he stated that, h*e appeared to me to be the best trained army guy I've ever seen,his stance was unbelievable.*
One way or another, it is very possible that the Port Arthur gunman was extremely well trained and well practised, whether it was Martin Bryant behind the trigger or whether it was an impersonator, the skills and hallmarks of a person trained in close quarter combat were unmistakable.

CHAPTER 16
SHOTS AND OTHER DISCREPANCIES IN THE BROAD ARROW CAFÉ.

He fired twenty-nine shots, very few of them missed a target
and most of them struck targets when fired at either point blank or close range.
Damian Bugg Q.C.

The shots fired in the Broad Arrow are the subject of much conjecture by the Director of Public Prosecutions, Mr Damian Bugg QC.
While there are quite a number of statements pertaining to what actually happened in the Café, Mr Bugg ignored the consensus of the eyewitnesses and the experts in favour of theories and presumptions that simply fail to be plausible.



The Broad Arrow Café.

The Crown stated that 29 shots were fired in the Café.
Your Honour, it is hard to express in any finite terms the precise period of time Bryant was in the café but I would put to this court that he was in there for approximately one and a half minutes to, at the outside, two minutes, whilst he was firing his gun. In that time he killed twenty people, attempted to kill four, wounded six, and caused grievous bodily harm to one. He ***fired twenty-nine shots****, very few of them missed a target, and most of them struck targets when fired at either point blank or close range. There is absolutely no doubt as to his intent and his desire to cause maximum carnage.*
[Court Document page 117]

Sergeant Gerard Dutton found thirty fired cartridge cases.
Counting the separate bullet wounds to all of the deceased, the gunman discharged seventeen shots into bodies 1 to 12(#1 at Petrol Station, #2 to #5 at Tollbooth, #6 to #8 at Access Road, #9 to #12 at Carpark), in comparison to twenty four shots into the other 20 victims inside the café building.
This amounts to forty one bullets having found their mark out of what is still an unknown total of actual cartridges fired during the incident...
Thirty .223 calibre fired cartridge cases were located in the café...

It is possible in the confusion immediately after the shooting that some of the cartridge cases went astray... This was also seen in the café where thirty fired cases were found. With twenty four separate bullet wounds to the twenty dead and a further thirteen wounded from this scene, the number of fired cases seems minimal, even allowing for injuries to two victims from one bullet.
[Journal of the International Wound Ballistics Association]

The analysis of former policeman Andrew MacGregor.
There is now a minimum of 41 shots fired by the gunman inside the Broad Arrow Café, 38 of which are calculated from the Court Document where Mr Bugg is stating facts and three others that have been ignored. Of course several people outside the Broad Arrow Café have given estimates of between 40 to 50 shots being fired inside the building. One of the two Vietnam veterans who was waiting with the tourists at the Information Centre, states that there were 20-25 rounds fired inside the café, before they were warned that there was a massacre being committed inside the café.
[Deceit and Terrorism: Andrew MacGregor]

An unsubstantiated accusation.
Your Honour, perhaps it is appropriate at this stage that I tender - well, I suppose it is not necessary to tender it in evidence - and I would seek that direction. I don't know whether my learned friend has any submissions about that, but I would certainly prefer the availability of the police safe to remove this firearm and the other firearms that were at Port Arthur on that day. Does your Honour have any problem about that?

HIS HONOUR: Well, I think the firearm should be retained in that custody. As far as other exhibits are concerned they should be retained in the custody of the court.

MR. BUGG QC: Yes, well, perhaps maybe they could be marked for identification and then later returned to the custody of the police. Your Honour, that is the AR15 semi-automatic .223 rifle which was used by Bryant in the café and at other locations on that day. ***It is the weapon which the Crown says he purchased shortly before this incident.***
[Court Document page 99]

If the Crown really believed that Bryant purchased the AR15 shortly before the incident, they have not provided any proof, the details of this unproven purchase remains a mystery to this day.
At least the Crown made no such claims about the FN FAL used outside the Café, I guess if the source of the AR15 was feeble and non provable, then it would have been absolutely impossible to link the FN FAL with Bryant.
Consequently, no such claim was made by the Crown, it was apparently forgotten about, the FN FAL remains an unsubstantiated enigma.

What time did the shooting commence.
This is unclear, we have many clues, some conflicting, some supportive, we have video footage that contains the sound of the gunfire commencing, but unfortunately the time/date feature has apparently not been enabled, we have the eyewitnesses reports

and statements, and we have the hypothesis of the Crown which must be based on available information.
The Crowns primary goal of course was to seek a conviction. One must also consider though, the impact of litigation against the Government of Tasmania, as would be the case if negligence was found in the matter of the exit door that failed to open on the day, thus costing several lives, this is very relevant to the time of the shooting, because if the massacre was of a longer duration, then the case against the door that did not open would become more important.
We can possibly estimate the time that the gunman departed the Café from various clues, if we can also determine the commencement time, then we can confirm or deny the Crowns claim that the shooting lasted for 90 seconds, or two minutes at the outside.

The Crowns version of when the shooting commenced.
During the mid-lunch time busy period at the Broad Arrow café on the 28th April, there were at least sixty customers either seated within the Broad Arrow café or waiting to be served for takeaway meals which could be eaten away from the café at outside eating areas in front of the café and others were browsing in the souvenir and giftshop area. Bryant entered the Broad Arrow café at about 1.30 p.m. He stood at the servery and obtained food and drink, a fact which was noticed by one of the witnesses consisting of a cup of fruit juice and also a can of fruit juice. He left the café to take a seat outside and as he left the door was held open for him at his request by Mrs. Carol Pearce and Mrs. Carmel Edwards members of a party of ten who were just entering the café. Comments were made to Bryant about the size of his meal which he was taking out with him and he responded saying that he had been surfing all day. He walked on to the balcony and seated himself at one of the tables –
[Court Document pages 71, 72]

After eating his lunch, chatting to people, taking a video, the gunman walks back into the Broad Arrow with the Prince bag, this would have added further minutes to the very inaccurate, ***about 1.30 p.m*** that the Crown has attributed to the gunman's arrival at the Café.
The actual commencement time of the shooting is never given to the Court, only the estimated duration. For all the wealth of witness statements and facts available, it is amazing that the Crown has remained rather coy about the actual time.

Bryant then walked in to the dining area of the café and placed his bag on a table in the north-western corner of the café. That 's being indicated on the plan now, so he 's walked through a good two thirds of the café area towards the north-western corner. The table that he placed the sports bag on was not occupied and he immediately took out the AR15 rifle which was fitted with a thirty shot magazine, although the Crown case is that there were approximately twenty six live rounds of ammunition in the magazine at that time.
[Court Document page 76]

The reports based on eyewitnesses, of when the shooting commenced.
Just before 1.30pm and starting in the north western corner of the café, he calmly began killing people as they sat eating their lunch, or as they tried to escape.
[Dutton Report: Australian Police Journal, September 1988]

Tourists had begun gathering early for the 1.30 walking tour that Sunday, and the numbers waiting outside the information office had swelled to seventy or eighty.
As they stood amidst the crowd, waiting for their guide to appear, the Duttons heard a noise. A series of loud shots rang out.
[Suddenly One Sunday page 71]

At about 1.30pm, or perhaps a bit before, Cynthia and I were waiting in the area where the buses were parked, we had about half an hour to wait until we were due to go on a boat trip to the island that 's down there.
It was at this time that I heard what sounded like a gunshot.
[Sworn Statement James Balasko 29th April 1996]

I was in the Information Office from 1pm onwards, I was due to leave with a tour at 1.30pm, I was in the office with Anne Hillman, Steven Howard, and another one I can remember was Vicki McLaughlan, Wendy Scurr may have been there as well.
I was on the phone at approx. 1.23pm, now from 1.23pm to 1.26pm, I has finished my phone call. During and after the phone call, there were constant banging noises, it sounded like roofing nails being banged in the galvanised iron roof.
Between 1.23pm and 1.26pm and hearing the banging sounds, I went outside the Information Office into the car park, the noises then were becoming irritating, and I remarked to someone, maybe Anne Hillman, "who's banging that bloody iron".
At that stage, a man came running out of the Broad Arrow Café tripping down the stairs, waving his arms, yelling out, "Someone has gone mad inside and shooting everyone".
A lot of people congregating outside the Information Office for the 1.30pm tour, approx. 70 odd people, quite a few of them remarked and joked, mainly Americans, there were a group of Americans there on this tour remarked about it being a re-enactment.
The next thing that happened, the gunman came out or appeared on the balcony outside the café and started firing directly towards the Penitentiary and front car park area.
[Sworn Statement: Ashley Law 30th April 1996]

If Ashley Law knew the time, it would be because he was wanting to be punctual for the 1.30pm tour, this leaves no doubt that the shooting commenced **before** 1.30pm!

Whilst having lunch, both Kathryn and I observed a large number of people who were gathering at the Information Office for the 1.30pm tour of the site. My wife, Kathryn, suggested that we finish lunch and join the tour party at a later time.
About 1.28pm a number of loud noises, to me, these being what I would describe as gunshots, erupted from the eastern side of where I was seated. These shots continued and I attempted to focus on the location from where they were coming.
[Sworn Statement: Justin Noble, NSW Police. 30th April 1996]

The 000 call acknowledged by the Police.
1335 000 call received at Police Communications.
1336 Initial response units, Dunalley & Nubeena Police dispatched
1339 Ambulance notified.
[FMA papers pages 5, 6]

There seems to be a number of omissions here in the 000 calls as listed under the heading of, *An Overview of the Police Response*, we are given a more informative picture under the section entitled *Police Operations Centre* by Luppo Prins.

The initial report of the Port Arthur shootings was received at the Hobart Police Radio Room at 1332 on Sunday, 28 April 1996.
The report was of a 'firearm discharge' which in itself was not an uncommon occurrence.
However, minutes later a second call was received from Port Arthur Authority Officer Ian Kingston to the effect that six people had been shot dead. The situation immediately became subject to a 'major incident' response.
The Duty Sergeant in Charge of the Communications Section Brett Smith immediately directed the nearest available police to the scene, notified the ambulance service, etc.
[EMA papers page 27]

The second call at 1335, was the call made by Ian Kingston, it was after the gunman got back to his car, changed weapons, walked to the buses and shot more people, returned to the Volvo, and commenced driving away.
Why was the initial call by Wendy Scurr not listed as the first call, likewise, why was the initial Police response not listed, the Bellerive Station responded at 1332.

000 call #1 by Wendy Scurr.
Wendy Scurr, a trained ambulance officer, was the first person to notify police that a gunman was inside the Broad Arrow Café.
She was in the information office only metres from the café when she heard what sounded like a gas explosion in the restaurant.
Then somebody came out and said, "he's killing everybody, .run".
Instead, she phoned for help, "I was a little bit distressed as to whether they believed me; that was a worry. I told them there was slaughter going on; that people were being killed everywhere. I said for God's sake get as much help here as you can. They wanted a contact number; I said I won't be here!"
[The Mercury 2nd may 1996]

000 call #2 by Ian Kingston.
I saw the male come out of the restaurant, he was carrying a rifle and firing short volleys of shots in the direction of the Commandant's house, he was shooting in the direction of the buses.
He ran to the Volvo, I said to everyone I was trying to move, "Get off the grass, get out of sight." He reached into the car and appeared to get another clip of ammunition. He then walked onto one of the coaches, he fired a couple of shots before he got onto the coach, I heard shots being fired from the coach.
At this stage I was still trying to move people away to get them to safety. I noticed that it was the same bloke who I had spoke to at the intersection earlier in the yellow Volvo.
I evacuated the site, I went to the "Parsonage" to use the telephone where I rang the Police on "000". Before I got to the Parsonage, I saw the Volvo driving up Jetty Road.
[Sworn Statement: Ian Kingston 28th April 1996

To leave the Broad Arrow, shoot from the verandah, walk to the buses and shoot more people, go to the Volvo and change weapons, shoot towards the ruins, go to the buses and pursue and shoot a number of people, and then return to the Volvo, fire some more shots off, and then to drive off would require approximately 4 1/2 minutes.
So if the Police logged the call at 1335, that could have been 1.35.00 or it could have been 1.35.59, therefore the gunman could have left the Café at 1.30 or at 1.31pm

000 call #3 by Aileen Kingston.
However, I tried to ring the Nubeena Police, but couldn't get through, so I rang 000. After I had finished speaking with the Police, the man who parked his car on the road yelled, "look out, he's coming".
[Sworn Statement: Aileen Kingston 2nd May 1996]

000 call #4 by Mick Sargent.
The shots were getting quieter and I gathered he had left the building. I ended up grabbing Caroline's hand and we ran past the Information Centre towards a stone retainer wall. I helped her up the wall and I ran back into the café and laid back down next to Kate. I couldn't hear any more shooting.
I reached a telephone in the café and dialled 000, I called for the Police and Ambulance to come to Port Arthur immediately.
[Sworn Statement: Michael Sargent 29th April 1996]

000 call #5 by Justin Noble.
About 1.40pm I contacted Police Radio in Hobart via triple 0. I gave this officer my name and informed him that I was a member of the NSW Police Service.
[Sworn Statement: Justin Noble 30th April 1996]

000 call #6 by Jim Laycock.
I then phoned "000", it was about 1.42pm. I told the police, he questioned the seriousness of the situation, I then said, "there's more shots", and I believe there were 3-4 more. I told the operator to hold on and I would look and see what was happening.
[Sworn Statement: James Laycock 10th May 1996]

The Crowns description of how long the shooting lasted.
Your Honour, it is hard to express in any finite terms the precise period of time Bryant was in the café but I would put to this court that he was in there for ***approximately one and a half minutes to, at the outside, two minutes,*** *whilst he was firing his gun. In that time he killed twenty people, attempted to kill four, wounded six, and caused grievous bodily harm to one. He fired twenty-nine shots, very few of them missed a target, and most of them struck targets when fired at either point blank or close range. There is absolutely no doubt as to his intent and his desire to cause maximum carnage.*
{Court Document page 117]
The shot descriptions.
The shots in the Café are categorised under three ranges.
Close or contact, being either contact or within a few centimetres of the body.
Intermediate, being within a few centimetres out to about one to one point five metres.
Distant, being one to one point five metres and beyond.

Seated at table number two were four visitors to Port Arthur Mr. Michael Sargent, his girlfriend Kate Scott, Mr. John Riviere and Miss Carol Villiers. Mr. Sargent stated that he had been seated at the table for about ten minutes when he noticed that an Asian couple were seated at a single table near the western side of the building. That's now being indicated. They were eating a meal and Mr. Sargent noticed Bryant near the table with a large sports bag and he was staring at them. Mr Sargent returned the stare briefly and then he turned to the other members of his group and continued the conversation he was having with them. Mr. Sargent then heard two shots in quick succession. He looked up and saw Bryant holding a gun in a position indicating that he had just fired it at the Asian couple and was turning the gun on him. He started to move forwards and downwards and the gun was fired in his direction the bullet striking the top of his head as he fell to the floor
[Court Document page 78]

Shot 1 @ 0.000 seconds **Table 1**
Mr. Mo Yee Ng was the first to be shot and killed, the range was given as *Intermediate*.

Shot 2 @ 0.545 seconds **Interval time 0.545** **Table 1**
Miss Sou Leng Chung was the second to die with a *Distant* shot, the additional range would be because she was on the further side of the table.

Shot 3 @ 1.695 seconds **Interval time 1.150** **Table 2**
Michael Sargent was wounded with the next bullet, the longer interval is because the gunman had to swivel around to take aim.

Shot 4 @ 2.460 seconds **Interval time 0.765** **Table 2**
Miss Scott was sitting with her back to the gunman and was killed with the next shot, the range is given as *Distant*.

Shot 5 @ 3.100 seconds **Interval time 0.640** **Table 8**
Anthony Nightingale had reacted to the initial shooting by standing up and uttering ***No, no. not here.*** He was seated alone at table 8
The gunman wheeled around and dispatched him with shot 5, *Distant*.

Shot 6 @ 5.155 seconds **Interval time 2.055**
As the gunman turned to shoot Anthony Nightingale, he bumped the waitress Colleen Parker, she was standing frozen with shock when the shooting started, she then immediately fled the Café running past the Coca-Cola dispensing machine and the ice cream freezer.

When the shooting first started, I was at the very end of our counter, right near the freezer, and I have since seen a bullet hole in this freezer, and I am now wondering if he tried to shoot me.
I believe he had the gun at waist level, and as he turned, the gun was still at this level and not raised, which is why the bullet would be at the bottom of the freezer.
It just seems strange to me that he would have no reason to shoot the freezer, except if he was aiming at me, there was nobody else in this area for him to shoot at except me.
[Sworn Statement: Colleen Parker 26th June 1996]

After shooting Anthony Nightingale, the gunman turned again to shoot at the fleeing waitress, note the longer interval time of 2.055 seconds to react, wheel and attempt to sight on the moving waitress.
It was later discovered by some staff that there was a bullet in the Coca-Cola machine and one or more shots in the ice cream freezer.

Shot 7 @ 6.200 seconds Interval time 1.045
This shot would also have been at Colleen Parker as she fled.

Shot 8 @ 6.745 seconds Interval time 0.545
This shot may have been fired at Colleen Parker also.

Having shot Mr. Nightingale Bryant moved at close quarters to shoot Kevin Sharpe, Wally Bennett and Ray Sharpe.
All three had just arrived and were standing with their backs to the gunman.

Shot 9 @ 7.350 seconds Interval time 0.605 Table 9
Kevin Vincent Sharpe was then shot at a *Distant* range.

Shot 10 @ 7.695 seconds Interval time 0.345 Table 9
Walter John Bennett was also shot and killed at *Intermediate* distance.

Shot 11 @ 7.940 seconds Interval time 0.245 Table 9
This shot went through Kevin Sharpe's arm and was possibly aimed at someone else; this may have been the bullet that killed Raymond John Sharpe.

Shot 12 @ 9.220 seconds Interval time 1.28 Table 12
Here we have a longer delay as the gunman moves towards table 12, Mr and Mrs Tony Kistan are here with Mr Andrew Mills.
Tony Kistan and Andrew Mills both stood up when the shooting started, Mr Kistan pushed his wife towards the door.
Andrew Mills is shot and killed at intermediate range.

Shot 13 @ 11.005 seconds Interval time 1.785 Table 12
Tony Kistan is next to be shot and killed from a range given as *Intermediate*.

Shot 14 @ 12.540 seconds Interval time 1.535 Table 14
Graham Colyer was wounded with the next shot from about 2 metres away.

Shot 15 @ 13.465 seconds Interval time 0.925 Table 18
Mervyn Howard was next to die when the gunman swivels to shoot him from *Distant* range, the bullet continues on through the window and travels over the balcony table outside where Mr Beekman and Miss Mc Kenna were seated.

Shot 16 @ 13.770 seconds Interval time 0.305 Table 18
The gunman closed in and shot Mrs Mary Howard through the neck with a wounding shot.

Shot 17 @ 15.675 seconds Interval time 1.905 Ricochet
This bullet may have been a complete miss, as it ricochets and exits to the outside of the Broad Arrow.

Shot 18
Mary Elizabeth Howard is shot again from a different vantage point, range given as *Contact*, killing her instantly.

Shot 19 Table 14
Sarah Kate Loughton was killed from *Intermediate* range.

Shot 20 Table 14
Carol Loughton was wounded with the next shot.

Shot 21 Table 13
Robert Elliott was wounded in the head with the next shot.

Twenty five seconds have now elapsed.

Shot 22
Robert Elliott was wounded in the upper arm with the next shot.

Shot 23 Gift Shop
Nicole Louise Burgess was killed with a *Distant* head shot next.

Shot 24 Gift Shop
Elizabeth Howard was shot in the arm and chest with the next killing shot at *Distant* range.

Shot 25
Elizabeth Jayne Howard was wounded in the chest next while sheltering on the floor.

Shot 26 Gift Shop
Leslie Dennis Lever was the next to be killed with a *Distant* head shot.

Shot 27 Gift Shop
Gwenda Joan Neander is then killed with another head shot, given as *Distant*.

Shot 28 Table 15
Peter Crosswell was wounded while lying on the floor while playing dead.

Shot 29 Table 17
Jason Bernard Winter was wounded with the next shot.

Shot 30
Jason Bernard Winter is then killed with a head shot with the next bullet from *Distant* range.

Shot 31 Gift Shop
Ronald Noel Jary was the next to die with another head shot, from near *Contact* range.

Shot 32 Gift Shop
Pauline Virjeana Masters, another head shot kills her next from *Intermediate* range.

Shot 33 Gift Shop
Peter Brenton Nash is the last to die in the Café with yet another head shot, from *Distant* range.

Gift Shop
Unidentified Asian Male: misfired

There were at least 33 shots fired inside the Broad Arrow.
That makes a minimum of 33 shots fired in the Broad Arrow Café. At least four more than the prosecution have hypothesised.
I believe that Andrew MacGregor's methodical analysis would be the closest to reality, with his calculated forty one shots.
If the duration was 90 seconds, and the initial 21 shots occurred in the first 25 seconds, then either 8 more shots occupied the final 65 seconds, according to the Crown, or, 20 more shots were fired in the next 65 seconds.
Either one every eight seconds, or one every three seconds, perhaps a little academic after the event, but there are matters to be gleaned here, the expertise of the shooter, the opportunity for people to have escaped had the door not been faulty, the number of magazine changes that took place, and then there is the question that no one seems to have asked.
How did Martin Bryant avoid hearing damage, one would presume he had shooters ear plugs under the long hair, where did he obtain them from, were they a gift, or were they a recent purchase, if so where did he purchase them from, did he grow his hair long for the purpose of concealing the ear plugs.
None of these questions have been asked of Bryant!

Had the killer used the petrol instead of the AR15 in the Broad Arrow Café, the death toll would have included everyone that was within the Café.
For the forty odd survivors, it was most fortunate that a gun was chosen.

CHAPTER 11
FROM THE BROAD ARROW TO SEASCAPE.

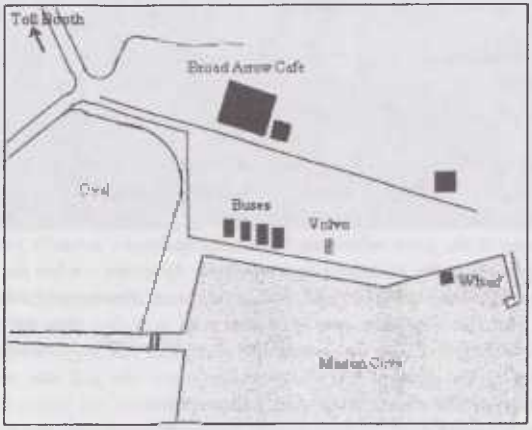
Pure truth, like pure gold, has been found unfit for circulation,
because men have discovered that it is far more convenient
to adulterate the truth than to refine themselves.
Charles Caleb Colton

Because many of the Port Arthur events as reported by eyewitness accounts fail to match the times given by the DPP during the sentencing trial, an understanding of the elapsed time between known actions must bring a better understanding of what has actually transpired.

A time estimate of events from the Broad Arrow to Seascape.
At about this time, Bryant was leaving the café, he stood on the balcony and discharged his gun towards the ruins on the other side of the bay and he also fired near the sports ground and the coaches. People were by now departing the area on foot. He also fired one shot towards the Visitor Information Centre
[Court Document page 123]

Presumed departure at 1.31.33

So, the gunman exits the Broad Arrow, and while still on the balcony or verandah, he fires 4 clearing shots at 4 different targets before stepping off the front of the balcony or verandah.
Est. Time 10-15 seconds. Now 1.31.45



Broad Arrow crime scene.

Bryant walked towards the front of the coaches from the Broad Arrow Café whilst a number of people, following Brigid Cook's warning, were moving between the Redline and the Tigerline coaches towards the rear of the buses.
[Court Document page 125]

To walk the 50 metres from the Broad Arrow to the area where the buses are parked would take another 35-45 seconds.
Est. Time 35-45 seconds. Now 1.32.25

Also one of the coach driver's Mr. Royce Thompson, was half way along the passenger's side, that is the outside side of that bus when he was shot in the back by Bryant. That caused Mr. Thompson to fall to the ground and he then staggered or crawled to the rear of the coach where he then rolled underneath the coach. He died from that gunshot wound to the back, which caused significant internal injuries to his chest.
[Court Document page 126]
Est. Time 5-10 seconds. Now 1.32.33

Bryant then walked across the front of the buses to the front of the Trans Otway coach, shooting at the group of people which by now had arrived at the rear of that coach. One of the persons in that group was Miss Cook and one of the shots fired towards them struck her in the right thigh.
[Court Document page 126]
Est. Time 15-20 seconds. Now 1.32.50

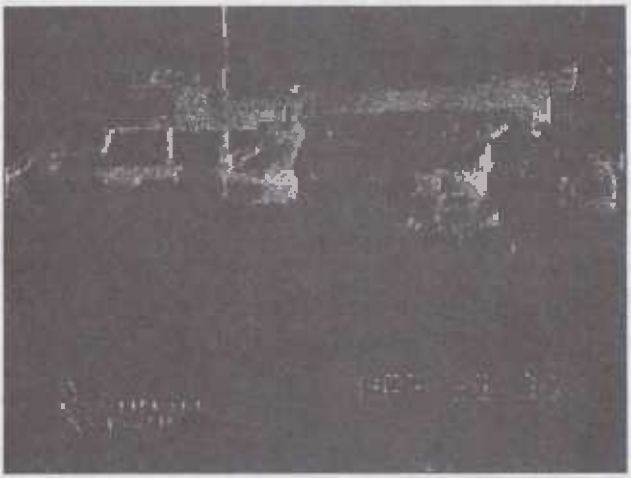
Bryant pointed his rifle towards this group and shot Mrs Aplin in the right side at a distance of about six to eight metres. She fell to the ground and died where she had fallen. She had been running to the coach with Yvonne Lockley when she was shot.
[Court Document page 127]
Est. Time 5-10 seconds. Now 1.32.58

A further shot fired towards them grazed Mrs Lockley to her cheek, however, she was able to enter the coach and shelter there until the shooting had stopped.
Est. Time 5-10 seconds. Now 1.33.05

Near the coaches, which were being pointed out by Mr Perks, at that time was a couple from the East Coast of Tasmania, Neville and Janette Quin, together with two other people who had travelled with them on that day to Port Arthur. They started to move along towards the jetty, which can't actually be seen – actually part of the jetty can be seen right along the foreshore in an easterly direction – when the warning was first given. But then they were warned that Bryant was also moving eastwards along in front of the buses so they then tried to double back and they were hurrying towards a position where Brigid Cook was when she was shot. Mrs Quin was shot in the buttock and fell to the ground and the position where she fell was almost directly where Mr Thompson, the coach driver, had fallen earlier.
[Court Document page 129]
Est. Time 10-15 seconds. Now 1.33.18

As Bryant walked eastwards people tried to make their escape along the foreshore. Mr Doug Hutchinson, who was also a passenger on the Trans-Otway coach along with his wife Irene, had been called to the coach earlier by the driver because he was about to drive away, so of course there were obviously people congregating near the coach. And Mrs Hutchinson, when the warning was shouted, was able to enter the coach but her husband was too far away so he ran to the rear of the coach to take cover. He was shot in the arm and the force of the shot knocked him to the ground, he was wounded in the right forearm.
Court Document page 130]
Est. Time 10-15 seconds. Now 1.33.30

Bryant then walked to the boot of his vehicle, which was parked five vehicles to the east of the closest coach. He changed weapons this time taking out of the boot a semi-automatic point 308 F.N. or commonly called an S.L.R. or self-loading rifle. This was a military style weapon, he had taken that with him along with ample ammunition, and he then fired the weapon across the water towards the ruins and back towards the café. He then walked to the driver's door of his car and for some reason sat momentarily behind the steering wheel of his car and then walked back towards the coaches.
[Court Document page 130]



Bryant at the Volvo's boot.

He actually fired two shots towards the ruins, these both were fired at Denise Cromer who was not injured.
Est. Time 40-50 seconds. Now 1.34.15

Mr Horrocks asked his wife to shelter behind the car at about the same time as Mr Nudd arrived warning them that they should take cover. Bryant must have noticed them because at that time he was towards the rear of his car and they were of course therefore in full view because there is a slight elevation back up towards where the

Horrocks had parked the car. He then brought his rifle, that is , the SLR to an aiming position at his shoulder and fired the rifle towards Mr Nudd and Mr Horrocks as they took cover behind a tree. He fired at them and the shot struck the tree that they were taking cover behind.
[Court Document page 133]
Est. Time 5-10 seconds. Now 1.34.23

Mrs Pauline Sloane, as well, your Honour, had visited the site with her husband and she was making her way along the foreshore with Mr Hutchinson, you remember, the man who was injured in the forearm. They were sheltering along the front of the parked cars, gradually making their way towards the jetty. Mrs Sloane stopped and looked back towards Bryant, he noticed her, and fired a shot in her direction. That is Count 46. The bullet didn't strike her.
[Court Document page 134]
Est. Time 5-10 seconds. Now 1.34.30

Bryant then turned and walked back towards the coaches and as he passed Mrs Quin, who was still lying on the ground next to Mr Thompson, disabled from the previous injury which she had suffered, he shot her in the lower back causing fatal injuries.
[Court Document page 134]
Est. Time 10-15 seconds. Now 1.34.43

At that stage, your Honour, Bryant boarded the Red Coach Line bus, that was next to the Trans-Otway coach which I have previously mentioned. There were no passengers sheltering on the Red Line coach and Bryant fired into the Trans-Otway coach – and you will remember I showed you a photograph of bullet damage to the windows of the Trans-Otway coach. On the coach at the time was Mrs Elva Gaylard, a South African person travelling with Mrs Lockley who I have mentioned previously. Mrs Gaylard was sitting next to Mrs Irene Hutchinson who had managed to make it onto the bus and her husband was out sheltering on the foreshore. The shot fired at Mrs Gaylard struck her in the left arm, past through her arm and entered her chest causing fatal injuries. She died immediately.
[Court Document page 135]
Est. Time 15-20 seconds. Now 1.35.00

Mr Gordon Francis and his wife were also on the bus, the Trans-Otway coach. Mr Francis moved down the aisle of the coach in an attempt to close the front door to prevent Bryant from entering the coach. Almost immediately after Mrs Gaylard had been shot, he felt a sharp pain in his left shoulder blade. He also had been shot by Bryant from the coach opposite. Mr Francis sustained a significant injury to the shoulder blade area and was operated on at the Royal Hobart Hospital on four occasions before being transferred to the Ashford Private Hospital in South Australia for ongoing treatment – that's count 48, your Honour.
[Court Document page 135]
Est. Time 5-10 seconds. Now 1.35.07

After shooting Mr Francis, Bryant walked off the Red Line coach. Mr Neville Quin who had moved away when Bryant first approached his group near the rear of the coach had noticed that his wife was not with the group. He saw Bryant enter the

coach, heard the shooting, and when it became quiet he commenced to search for his wife. He found her, she was lying next to Mr Thompson. She had by then sustained the second shot which Bryant had fired at her. She was unconscious and her hands were cold to the touch. Mr Quin tried to help his wife but was concerned that she would die. He had been with her a short time when he realised that a shot had been fired at him. He turned and saw Bryant. He then ran to the front of the coach to shelter from Bryant. Realising that Bryant would probably go the other way to catch up with him he doubled back but then felt the wind of a bullet passing by his head. He ran further around the coach, one more shot was fired at him, before he thought that he was clear of Bryant and could make his escape onto the coach. Unfortunately Bryant saw him enter the coach and followed him. Mr Quin had moved down the coach slightly and had sheltered behind one of the seats. Bryant approached him, stood over him and pointed the rifle at his head. Mr Quin looked up and just as Bryant was about to pull the trigger Bryant said to him "No-one gets away from me". At that moment Mr Quin ducked instinctively, moved his head forward slightly, the gun discharged and the bullet missed Mr Quin's head and struck him in the neck. The shot did not cause any bony injury but it paralysed Mr Quin for a short time. He regained movement in his legs and walked off the coach and back to his wife after about ten minutes.

[Court Document page 137]

Est. Time 25-35 seconds. Now 1.35.37

During Bryant's pursuit of Mr Quin another tourist at the site, James Balasko, an American citizen, observed Bryant and tried to capture him on video film. He clearly placed himself in a position of danger but was able to briefly film Bryant. During this process Bryant obviously observed him, took aim towards him, and fired a shot which missed Mr Balasko but struck a Peugeot sedan, and you can see the location that Mr Balasko was filming from. He was near a camper-van and there was a Peugeot vehicle behind him.

[Court Document page 138]

Est. Time 5-10 seconds. Now 1.35.45

Bryant at Volvo.

After firing at Balasko, Bryant then walked to a mini-bus fired past it towards the Commandant's cottage, and then he walked towards his car, appeared to shoot out the rear window of the car and then fired across the water at the ruins again.
[Court Document page 146]
Est. Time 20-25 seconds. Now 1.36.07

He then entered his car, started it and reversed it out of the carpark and drove away from the scene. On P.9 the plan there is a green line marked on Jetty Road showing his course of travel out of the site.
[Court Document page 146]
Est. Time 45-55 seconds to reach the reference point in the McLeod video. Now 1.36.58

The Volvo on Jetty Road.

The Mc Leod video gives the time reference.
That's Bryant leaving the site, the amount of shelter is therefore apparent. The maker of this film, Mr Ian McLeod, was sheltering with his wife just off Jetty Road when he took this.
[Court Document page 142]

Ed. The first view of the Volvo moving on the portions of video as shown on Channel 9 commences at the indicated time of 1.36.54
And at 1.36.58 the Volvo is adjacent to an old building on Jetty Rd which is 100 metres beyond the toilet block.
[Current Affair 24/11/1996]

Therefore it is known that the Volvo has passed the Broad Arrow and that by subtracting the estimated times of prior events, we can calculate an approximate time at which the gunman exited the Broad Arrow.
The average of the elapsed times gives an **exit time of 1.31.33** plus or minus 55 seconds, this estimate lends much weight to the eyewitnesses claim that the shooting commenced before 1.30 rather than later as the prosecution infers.

The murder of the Mikacs.

Some witnesses say that Bryant on leaving the carpark area was sounding the horn of his car and waving and other say that he was firing from the car. Neither is terribly relevant as far as these charges are concerned but it does not seem likely that he was firing from his car.

Mainland visitors John and Caroline Boskovic and Peter and Pauline Grenfell had travelled to Port Arthur that day. They had a brief luncheon visit to the Broad Arrow Café and sat at the same table as Mr Colyer, Mrs Loughton and her daughter Sarah. After they finished their meal they left and walked towards the toilet block which is near, just on from the Information Centre. So that's the last building really before Jetty Road starts to leave the carpark area.
[Court Document page 146]

All four persons then moved quickly along Jetty Road in the direction of the tollbooth on foot. At one stage they ran beside Mrs Mikac who was carrying her younger child Madeline. Alannah was running beside her mother and to the right of Mr and Mrs Boskovic. Mr and Mrs Grenfell were some short distance behind at this stage. So what you had was a group of five, the three Mikac's and Mr and Mrs Boskovic, and then Mr and Mrs Grenfell behind.
[Court Document page 147]

There were other people in this area at the same time, all trying to make their way out of the site. Mrs Boskovic spoke to Alannah to calm her down, Mrs Mikac then said to her daughter, 'We're safe now Pumpkin.', and the child appeared to relax and moved closer to her mother. At this time the yellow Volvo was being driven up jetty Road towards the tollbooth. Bryant stopped the vehicle opposite Mrs Mikac and she then started to approach the vehicle. These movements were observed from a couple of locations. And the position of stopping is shown just east on that map, its probably almost south on that map, of an unsealed road which heads off almost in an easterly direction. So that map is being transversed almost ninety degrees - but that road heading towards the top of the plan which Mr Perks has just indicated becomes relevant in a moment.
It was fairly obvious that Mrs Mikac must have thought that this vehicle would provide some escape from the area. As I say, she approached the vehicle. That was certainly Mr Boskovic's state of mind because he also started to walk towards the vehicle. He was a little further up the hill. At this moment Bryant alighted from the car. It is uncertain as to whether at this very moment he had the rifle in his hand but he had now, by now, changed back from the FN SLR rifle to the AR15, which he had used in the café. Witnesses observed Bryant to place his left hand on Mrs Mikac's shoulder and people were close enough to hear him tell her to get down on her knees on three occasions.
[Court Document page 148]

To travel the further 250 metres from the previous building reference in the McLeod video, to stop the Volvo and alight, and to approach Mrs Mikac and instruct her three times.
Est. Time 55-65 seconds. Now 1.37.58

Mr Boskovic then observed a gun in Bryant's right hand as did other people who were in the area. Mr Boskovic grabbed his wife's hand and ran further up the hill, turning right up an unsealed roadway away from jetty Road, and that's the unsealed road that Mr Perks is now indicating. As they were moving away they heard a number of gunshots. Mr and Mrs Grenfell ran back down the road towards the historic site and hid behind a tree. Another couple in the area noticed Alannah the elder of the two children run to hide behind a tree off the roadside. One of these people, Mr Dutton, looked over his shoulder and saw Bryant point the rifle at Mrs Mikac and fire once. She fell to the ground. He turned, saw his wife, that is, Mr Dutton did, and tried to move away from the scene. He heard another shot, took hold of his wife's hand and they hurried onto a dirt road, which was the same dirt road that Mr and Mrs Boskovic had just moved on to. He heard another shot and then he and his wife sheltered behind a large tree lying on the ground.
The Crown case is that Bryant shot Mrs Mikac in the left side of the head using the AR15 rifle. Death was immediate. Almost immediately after this he has fired at Madeline, he fired two shots at the child. The first shot struck the child in the right shoulder causing a non-fatal wound and the second shot to the chest and abdomen of the child caused fatal massive internal injuries. The order of the shots cannot be determined but the shoulder injury appeared as from the gunpowder stippling to have been a closer range shot whereas there is no stippling present with the fatal injury to the lower chest and abdomen. Bryant then turned his attention on Alannah
[Court Document page 150]
Est. Time 10-15 seconds. Now 1.38.11

It appears, your Honour, that he fired two shots at the child, she was sheltering behind a tree off to the side of the road at a distance of about 5.5 metres and those first two shots were fired from somewhere near his car. He then moved to the tree and shot her at near contact point with the muzzle almost pressed against the right side of the child's neck.
[Court Document page 151]
Est. Time 10-15 seconds. Now 1.38.23

Your Honour, after slaughtering the Mikacs Bryant re-entered his vehicle and drove up the entrance road, pulling up just past the tollbooth on the left-hand verge, approximately level with or slightly behind the Nixon BMW.
[Court Document page 155]
Est. Time 40-50 seconds. Now 1.39.08

At the same time they observed two men, Bryant and Mr Salzmann apparently arguing at the driver's side door of the Volvo. It is the Crown case that Bryant then quickly moved a step or two to the rear of the Volvo and removed the .308 calibre SLR rifle. A few more words were exchanged and Bryant raised the rifle and shot Mr Salzmann at point blank range through the neck, a lethal injury, causing Mr Salzmann to fall straight backwards to the roadway
[Court Document page 155]
Est. Time 15-20 seconds. Now 1.39.25

Immediately after the murder of Mr. Salzmann Mr. Pollard was observed by Nicholas Cheok to get out of the driver's seat of the BMW and walk around the front of the

vehicles towards Bryant. Bryant thereupon raised the rifle to his shoulder and shot Mr. Pollard at close range through the right chest causing a lethal injury
[Court Document page 156]
Est. Time 5-10 seconds. Now 1.39.33

The exact sequence of events in the next few seconds is not entirely clear but it seems probable that Bryant went to the rear driver's side door of the BMW and pulled Mrs. Salzmann from the vehicle shooting her as he did so. Mrs. Salzmann sustained a fatal gunshot injury, the bullet entering her neck and exiting through her left upper back. And I refer your Honour to photograph number 6.
The Crown case is that Bryant then walked to the front passenger side of the BMW where Mrs. Nixon was seated and shot her twice before dragging her body clear of the vehicle onto the roadway. Mrs. Nixon sustained two gunshot wounds, one entering her right shoulder and perforating her neck and cervical spine, the other entering her left shoulder and perforated the left chest cavity. Both of these wounds were lethal injuries
[Court Document page 156]
Est. Time 15-20 seconds. Now 1.39.50

Immediately following the murder of Mrs. Nixon and dragging her body from the car Bryant commenced to transfer a number of items from the Volvo to the BMW. These items included the Colt AR15 rifle, a quantity of ammunition, two sets of Smith and Wesson handcuffs and most probably at least one container of petrol.
[Court Document page 157]
Est. Time 15-20 seconds. Now 1.40.08

At about this time Mr. Graham Sutherland turned left from the Arthur Highway into the Historic Site entrance road. He was driving a maroon Magna sedan. Seated beside him was his son, Thomas, his wife, Stephanie, another son, Stuart being in the rear seats. When their car was a hundred to a hundred and fifty metres away from the Tollbooth they noticed the BMW and the Volvo and three bodies lying on the roadway. Mr. Sutherland recalls Thomas yelling out, ' There's someone running back to the other car.' He immediately put the car in reverse and accelerated rapidly as two gunshots rang out and Mr Sutherland was sprayed with small particles of glass.
[Court Document page 158]
Est. Time 10-15 seconds. Now 1.40.20

Having completed the transfer of material from his Volvo to the BMW Bryant set off in that vehicle on his continuing trail of devastation and destruction. He left behind in the Volvo a number of items of some significance including the 12 gauge Daewoo semi-automatic shotgun that has been marked for identification. That was fitted with a magazine containing nine cartridges.
[Court Document page 158]

Also left in the car were two magazines for the .308 FN rifle, one empty and one containing seventeen live rounds.
[Court Document page 159]

One magazine for the colt AR15 rifle containing twelve live rounds and a cardboard box containing four hundred and thirty nine, point three o eight calibre cartridges. There was a twenty five litre gasoline container containing twenty litres of petrol left in the Volvo together with a second ten litre drum containing seven litres of petrol. There were three packets of Little Lucifer fire starters and a grey video camera bag which contained, amongst other things, six keys bearing tags marked Seascape, as Mr Bugg has already mentioned.
[Court Document page 160]

Mrs Cheok persuaded Miss Rabe to leave also and as she drove across the forecourt preparatory to driving on to the Arthur Highway, she observed a gold BMW approaching from the Port Arthur entrance road and then veer across to the wrong side of the roadway blocking the exit of a white Corolla hatchback.
[Court Document page 162]
Est. Time 20-25 seconds. Now 1.40.43

I refer your Honour to photograph 395 which is an aerial photograph of the service station and it shows the white Corolla at the northern exit of the service station. Your Honour, the occupants of this vehicle were a young couple from interstate, Mr. Glen Pears, originally from Tasmania, and Miss Zoë Hall. Although there are some differences in the description of events as recounted by various witnesses, it seems almost certain that Mr. Pears was driving the Corolla and Miss Hall beside him in the front passenger seat. Immediately after bringing the BMW to a halt Bryant got out of the vehicle armed with the FN rifle and went straight to the passenger side front door of the Corolla and it appeared to one witness that he commenced to try and pull or wrestle Miss Hall from the front seat. She was screaming a very sharp, loud, high-pitched scream. At this point it is the Crown case that Mr. Pears got out of the Corolla and moved around to the passenger side where he appeared to be attempting to placate Bryant. Bryant responded by raising the rifle to Mr Pears chest and then pushing him and directing him back towards the rear of the BMW, the boot of which it seems was already open. Mr. Pears was then forced to climb into the boot and kneel inside and Bryant then shut the boot.
[Court Document page 163]
Est. Time 20-30 seconds. Now 1.41.08

Bryant then walked from the rear of the BMW back towards the passenger side front door of the Corolla. As he approached it seems that Miss Hall moved across from her original position in the front passenger seat into the driver's seat. When he reached the passenger side front door Bryant calmly and deliberately raised the rifle to his hip and fired three shots in rapid succession, smashing through the window into Miss Hall. She received an injury to her neck, an injury which passed through her left forearm through her chest and into the right arm, and a wound through her back. The first two of these wounds were lethal injuries and according to the pathologist the third was most probably so.
[Court Document page 163]
Est. Time 10-15 seconds. Now 1.41.20

After murdering Miss Hall, Bryant was observed by Mr Kateros at the photo shop to run back to the BMW and then drive off at high speed in the direction of Seascape.

Bryant drove the BMW at high speed north along the highway pulling into the Seascape driveway, or just off the roadway adjacent to that driveway. Photographs 794 and 801 show the entrance to the Seascape looking from a northerly direction and a southerly direction. As Bryant was approaching the Seascape driveway Mr. John Rooke was approaching in the opposite direction at slow speed in his Datsun sedan towing a loaded trailer. Mr Rooke observed the BMW cut straight in front of him and stop in the Seascape driveway.
[Court Document page 164]
Est. Time 135-165 seconds. Now 1.43.50

He then saw a male person, who the Crown say of course was Martin Bryant, get straight out of the BMW and point a rifle directly at his approaching car, and from a distance of about twenty feet fired two shots in quick succession. Mr Rooke thought that the shots must have been blanks as his vehicles was not struck but as he drove past Bryant he heard two further shots and saw in the rear vision mirror the windows of a red Falcon, following some distance behind, get blown out.
[Court Document page 164]
Est. Time 15-20 seconds. Now 1.44.08

It seems that Mr Rooke had failed to see another vehicle following directly behind his vehicle and between it and the red Falcon whose windows he'd seen shattered by gunshots. This other vehicle was a Holden Frontiera four-wheel drive, an aqua coloured vehicle. It was driven by a young woman from Melbourne, Miss Linda White. Sitting beside her was her boyfriend, now fiancé, Michael Wanders.
As their vehicle approached the Seascape driveway Miss White, whose attention had initially been directed at the beauty of the Seascape cottages and their tranquil setting noticed the BMW on the left side of the road and standing by it a young blond haired male. As she drove closer she noticed he had a long gun by his side. She thought at the time that he must have been waiting for them to pass so that he could shoot rabbits or something. She slowed down further.
When only a matter of a few metres separated them Bryant raised the firearm, pointed it directly at Miss White and fired it, attempting to kill her. This initial shot struck the bonnet of the Frontiera just below the windscreen on the driver's side, part of the projectile fragmenting and smashing into the edge of the windscreen at head level and causing glass to strike Miss White's face.
As the Frontiera drew level with Bryant he fired a second shot followed by a third and possibly a fourth in quick succession, shattering the front passenger and driver's side windows. One of the projectiles slammed into Miss White's right forearm, virtually blowing it away and causing horrific injury.
[Court Document page 165]
Est. Time 10-20 seconds. Now 1.44.23

Your Honour, at about the time Mr Wanders was trying to re-start the Frontiera Mr. Doug Horne was approaching Seascape driving a maroon Ford Falcon sedan.
Also present in the vehicle was Mr Neville Shilkin in the front passenger seat. His wife, Helen, was behind him in the rear seat, with Mrs. Faye Horne beside her. After first noticing the pink buildings of Seascape Mr Horne observed the BMW parked in or near the driveway as did the others in the Falcon.

As the Falcon drew nearer Mr Horne saw Bryant standing at what he thought was the front of the vehicle. Mr Shilkin yelled out, 'He's got a gun.', and at the same instant, and when the Falcon was but a few metres from him, Bryant raised the firearm to his shoulder and fired directly at Mr Horne.
The bullet penetrated the windscreen and fragmented, shrapnel peppering Mr Horne causing multiple wounds to the right side of his chest and his right shoulder, arm, elbow and forearm.
[Court Document page 167]
Est. Time 10-15 seconds. Now 1.44.35

Your Honour, travelling a short distance behind Mr Horne's vehicle as it approached Seascape was another red Ford sedan being driven by Mr Simon Williams, a Canadian Embassy official stationed in Canberra, who was on holiday in the State with his wife Susan.
As they rounded the corner and the "Seascape" cottages came into view, Mr Williams was struck by the sight of a white or greyish coloured car in the right-hand lane facing south by reversing at up the road at some speed. This was in fact a Magna sedan being driven by Mrs Anne Wardle, who I will come to shortly. Mr Williams then noticed Bryant on the side of the road in the vicinity of the "Seascape" driveway and almost immediately thereafter he heard the sound of a gunshot. Having heard this and seen the Magna reversing, Mr Williams accelerated but as he drew level with Bryant there was a second gunshot, the bullet shattering the front passenger and driver's side windows. Mrs Williams was struck by the fragmenting projectile which caused an horrific injury to her left hand completely amputating her little finger and severely damaging the remaining fingers of that hand. She also sustained a small laceration to the left side of her forehead. Mr Williams was also struck by flying shrapnel, sustaining a serious fracture and bone loss to his left hand.
[Court Document pages 168, 169]
Est. Time 10-15 seconds. Now 1.44.48

Your Honour, after firing the last two shots which struck Mr Williams' Ford and the reversing Magna containing Mrs Wardle and her companions, Bryant returned to the BMW and drove down the Seascape driveway and across a grassed area bordering the southernmost cottage, pulling up alongside a line of poplar trees. There's an aerial photograph showing the position of the BMW in relation to Seascape numbered 401.
[Court Document page 171]
Est. Time 40-50 seconds. Now 1.45.33

Arrival of the BMW and the gunman at Seascape.
To arrive inside Seascape after passing the reference point in the McLeod video would take 8min 35seconds give or take 70seconds.
This would make the **arrival time 1.45.33PM,** thus the elapsed time from exiting the Broad Arrow to parking the BMW beside the guesthouse has taken an estimated 14 minutes.

Your Honour, after bringing the BMW to a halt Bryant got out of the vehicle, removed Mr Pears from the boot, and took him inside the main Seascape cottage, the residence of Mr and Mrs Martin. Once inside, using the two sets of handcuffs he had

brought with him, he handcuffed Mr Pears' wrists behind his back. The second pair of handcuffs were linked to the handcuff on the left wrist with the free cuff being closed and secured around an immovable object within the house. After securing Mr Pears inside the house it is the Crown case that Bryant returned to the BMW, splashed petrol liberally over the interior of the vehicle and set it alight. He had removed from the vehicle both the Colt AR15 and FN rifles together with ammunition for each weapon.
[Court Document page 171]

The BMW was moved after arriving at Seascape.
Common sense dictates that the gunman would not drive the BMW to the furthest extreme of the surrounding garden, and then unload the hostage and walk him up the garden, past the outbuilding, across to Seascape Cottage, secure Glen Pears with the handcuffs, and then return to the BMW to get the other gun before repeating the time wasting return to the Cottage.

To substantiate this matter, a glance at an aerial view of the burnt ruins shows that the BMW is aligned with the driveway that leads from the Arthur Highway, that is, the looks as though it has been driven straight down the driveway, across the little bridge, and directly down the bottom of the garden.
But appearance can be deceptive, the colour shot of the scene taken from in front of Seascape, show that the BMW has left twin skid marks on the grass beside the outbuilding, these skid marks are aligned away from the driveway, they actually curve around in alignment with the Seascape Cottage driveway!

Therefore it appears that the gunman has actually delivered his hostage and the guns to the front door of Seascape Cottage. Then the BMW has been moved to the rear of the garden, this could be the point in the Interrogation where Martin Bryant recollects the BMW skidding on the grass.

Q. Right. And where did you drive then?
A. I drove full speed, it was about, I was going about 140 Ks up the road and went into Seascape. Just drove down there in the BMW.
WARREN
Q. Where, can you remember where you drove when you went into Seascape?
A. I remember skidding on some grass and, I had a heap of petrol, had some petrol with me, I put some petrol in the BMW.
PAINE
Q. And what happened then?
A. Well what happened then, I knocked on the door to see the Martins but there was no answer. And what happened is I remember the explosion.
Q. Where was . .
A. I think, I don't know whether I put the car on, lit the car up or not.
Q. Sorry?
A. I don't know whether I lit the car up or not but there was an explosion.

Surely someone else from either the Crown or the Defence, had observed these details.

CHAPTER 18
ARSON OF THE BMW AND SEASCAPE, MARTIN BRYANT OR THE POLICE.

Every man has a right to his opinion,
but no man has a right to be wrong in his facts.
Bernard M. Baruch

Martin Bryant was charged with arson in regards to the burning of Seascape, and also for the BMW earlier in the siege. In private comments since his arrest, it would appear that his blame for these crimes is justified, however, there is an element of doubt that suggests that the destruction of Seascape and the BMW may have a rather different cause to that presented in Court.

Q. Ahh, yes they were hurt. Some of those people. You'll also be charged with the arson of Seascape. Do you understand all that?
A. How many months will it get me in?
Q. Well that's not a, a question I can answer.
A. And the arson of the BMW.
Q. No, of the Seascape. We believe you burnt Seascape as well as the BMW. I hope we've explained things clearly and you understand the gravity of the situation.
A. It's great to have someone to talk to. And you guys won't be in again?
Q. No.
A. To have a talk.
Q. No.
A. I'll miss ya's.
[Interrogation]

Information that the Police set fire to the BMW and to Seascape.

This is an issue of real intrigue. It was disclosed to a survivor, by a policeman at the time of taking a witness statement, that the police were actually the ones that set fire to the BMW and to the Seascape guesthouse.

This comment does not infer that the Police may have done something untoward, after all, the police have a role to play, and apprehension of the gunman was paramount; but, in the aftermath of the Sentencing Hearing it appears that a gross miscarriage of justice may have been permitted.

This survivor is known to the author, and will come forward to repeat this information upon invocation of a Royal Commission..

As the Court was informed that Martin Bryant was the one who set those two fires, one must wonder as to whether the information of police involvement was investigated, surely this comes under the clause of reasonable doubt.

While Bryant's admission comments seem convincing beyond delusional ranting, this element of doubt should have been explored and dealt with, the Court Document does not show this.

The first police to arrive at Seascape.
Knowing that the BMW was set alight shortly after it's arrival at Seascape, and realising that no official admission acknowledgement came forth about the BMW or Seascape fires being set by the police. The question begs, who may have had the opportunity and expertise to carry out the immobilisation of the BMW ?
There was an official and an unofficial police presence in the area of Port Arthur, at the time of the massacre and early after the event. Some were in uniform, some were not, and some acted of their own accord while others responded to requests from Hobart to attend.

The official presence was under control from Hobart, the responses therefore followed closely after the initial report from Wendy Scurr who was outside the Broad Arrow Café.
The initial report of the Port Arthur shootings was received at the Hobart Police Radio Room at 1332 on Sunday, 28 April 1996.
[EMA page 27]

Constable Chris Isles.
Constable Isles was the first policeman at any of the crime scenes, it would appear that he took off in pursuit of the BMW, but for some reason he does not get mentioned in dispatches.
These three statements that follow obviously refer to this response, it is not very surprising that there may have been an on duty policeman in a marked car in the vicinity, however, I find it most amazing that the first police response is not mentioned in the EMA report, the Newspapers, or in the Court Document.
In fact, the public have been informed that the first response called for and responded to was the recall from Saltwater River of Constables Hyland and Whittle, if Constable Isles arrived within several minutes of the massacre commencement, then surely he was directed there by radio information, why was Hobart Radio unaware of this attendance, or, has this response been stricken from the records, if so, why?

Then the blonde male drove off in the BMW towards Hobart.
Constable Chris Isles arrived about three minutes after the last incident, he asked me to get in the car and we would follow this vehicle, but after he had seen the young deceased female, he decided to leave me at the scene.
[Sworn Statement: James Laycock 10th May 1996]

He then went straight back to the boot of the BMW, and I saw that the man in it was sort of kneeling up, the blonde male then just slammed the boot down on top of his head. I did not actually see the blonde male get into the car, but I then saw him just driving away heading towards the Fox and Hounds Motel...
And I then saw that a Police car had arrived at the Kodak Shop across the road, the officer was talking to some people. I drove over to the car, as I arrived the Police car left and drove over to the shop, so I drove back to the carpark.
I told the Police Officer that this male was driving a gold BMW and that he had someone in the boot.
[Sworn Statement: Kyle Spruce 2nd May 1996]

While we were running, I heard three gunshots coming from behind us, we kept running until we came to a cemetery which was sort of next to the service station, but a little down the road.
We all hid in the cemetery, we hid inside the cemetery for about 10 minutes.
We saw a Police car with it's siren on, going along the main highway away from Port Arthur, it passed us.
[Sworn Statement: Tony Chan 28th April 1996]

Constables Hyland and Whittle.
Paul Hyland, the Nubeena Police Constable, and Gary Whittle, the Dunalley Police Constable, were recalled after being decoyed to Saltwater River, they were there apparently investigating a bogus drug stash.
Their response is the initial one according to information released from the Police.
The local police were at the Saltwater River area which is approximately twenty five minutes travelling time from the site of the carnage and they were immediately despatched.
1336 Initial response units, Dunalley & Nubeena Police dispatched.
[EMA pages 5,6]

Prior to stopping, I could see a brown vehicle similar to a BMW sedan. This vehicle was stopped on the grass lawn beside one of the buildings, facing east. This vehicle was on fire, and there was heavy black smoke coming from the vehicle, the rear half of the vehicle had not caught fire at this stage.
I informed Const. Whittle that I would move further North up the road to stop any traffic from coming down, and attempt to get a better view of the area.
As I was moving my vehicle, I saw a person running past one of the cottages towards the entrance of the main residence. This person appeared to have black hair, and appeared to be naked. I quickly lost sight of this person, I only had sight of this person for about two seconds.
[Statement: Constable Paul Hyland]

Compare this information with the Court Document, the Crown seems to have missed out on the black hair and naked, certainly not Bryant's hair colour!
Constable Hyland decided to drive further north up the road to stop any traffic from coming down. As he did so he caught a brief glimpse of a figure running past one of the cottages towards the entrance of the main residence of Seascape.
[Court Document page 174]

Went to Fox & Hounds, then went down road to Seascape, parked on road and put blue light on. Observed smoke coming from a vehicle which appeared to be burning behind the Seascape. Looked at Seascape and observed all top windows were intact. Stayed near cars, Hyland drove away, and Whittle kept obs. on Seascape.
Later heard an explosion, and could see fire at the rear of the car which had smoke coming from it earlier, the car was about 500 metres away from me...
At one stage, saw a female running around the back yard, naked, yelling and screaming. There was a dog in the area howling and barking. Never saw the offender at any time.
[Statement: Constable Garry Whittle

Sergeant Andrew Fogarty was the first SOG member to arrive.
Sergeant Fogarty responded from Bellerive in Hobart, becoming aware of the incident at 1.32pm.
About 2.15pm I followed an Ambulance along the Arthur Hwy, and arrived at the location of Constable Hyland near the Seascape guest centre, I stopped and the Ambulance continued on...
After a short period of time, Constables Allen and Caulfield arrived at our location.
[Statement: Sergeant Andrew Fogarty]

Even though Sergeant Fogarty was not mentioned by name in Mike Bingham's book, *Suddenly One Sunday*, according to the statement of Constable Allen, this was Sergeant Fogarty who preceded their arrival, and his statement indicates an arrival at 2.15pm, well after the BMW is ablaze.

Pat Allen had been in the traffic office in Hobart with another officer, Perry Caulfield, when he had heard the first reports. They had headed for the scene. They stopped and spoke to an SOG member, who told them there were wounded people at the Fox and Hounds Hotel up the road, and that police were needed there as soon as possible.
The four victims had apparently been wounded by shots fired by a gunman standing beside the highway outside Seascape as they drove towards Port Arthur shortly before 2pm. As horrific as some of the wounds were, those four people could count themselves fortunate to have survived the rampage.
Having learned this information from the SOG member, police officers Pat Allen and Perry Caulfield had a choice. They could go the back way via Nubeena to avoid Seascape, or go straight through.
[Suddenly One Sunday page 106]

He (Pat Allen) was working in the Accident Investigation Squad, attached to Hobart traffic, when his partner, Constable Perry Caulfield, drew his attention to "something happening" at Port Arthur.
Within minutes, as radio activity reached such a pitch, the pair were ordered to take the Accident Investigation station wagon to the Tasman Peninsular.
As they travelled the 100km to Port Arthur, the reason for the intense radio activity became clear, there had been a shooting.
By the time they reached Taranna - 10km from Port Arthur - they knew it was much, much more, than a shooting, it was a massacre.
At Taranna, they found Constable Martin White of Sorell, at a roadblock.
Allen and Caulfield drove on. They passed two officers at a roadblock and then, near the guesthouse, they saw Constable Gary Whittle crouched behind his car.
[The Mercury 26th November 1996]

Constables Allen and Caulfield arrival from Bellerive in Hobart.
The officers next directed to attend were also from Bellerive, they were Constables Pat Allen and Perry Caulfield. They were notified at 1.46pm, a journey of 100 kilometres was required before their arrival at Seascape.

The police officer nearest to Port Arthur was at Saltwater River about twenty five minutes away on the other side of the peninsular. Sergeant Smith dispatched units

from Bellerive on Hobart's eastern shore, then contacted Luppo Prins, one of the two assistant commissioners.
[Suddenly One Sunday page 98]
1346 Initial CIB response units, Bellerive (2 x personnel) dispatched.
1351 Assistant Commissioner L Prins notified.
[EMA page 6]

Just south of Taranna, at the intersection of the Arthur Highway and the Nubeena back road, we stopped and spoke with Constable White of the Sorell Police Station...
About 200 metres north of the premises known as Seascape, I saw the road was blocked by marked police vehicles.
I stopped and spoke with Sergeant A.Fogarty and Constable P. Hyland, both of these persons had taken shelter beside a police vehicle, and were looking down the hill towards Seascape. I could see a large amount of smoke coming from behind the main building at Seascape, and I later ascertained this to be a burning vehicle...
[Statement: Constable Patrick Allen]

Simple arithmetic.
It is also quite intriguing to find that there are a number of references as to how the SOG police arrived by helicopter and by Toyota Landcruiser, and despite the fact that there is an extra officer onsite not accounted for by the numbers supplied, no explanation is offered as to how the extra person arrived there.

The SOG were called out at 1347, three members arrived by helicopter 88 minutes later at 3.15pm, another nine arrived by road at 4.12pm, having taken 145 minutes to assemble and journey from Hobart, that makes a total of twelve.
We are told by Mike Bingham though, that there are now thirteen SOG members in place, Commissioner McCreadie informs that there were only nine that travelled by road, why was Sergeant Fogarty not included in the summation, after all, he was there by 2.15pm, a very prompt response.
While he may have had the expertise to disable the BMW, it was already alight while he was in transit, at least 15 minutes before his arrival.

An advance party of three of the 27 member Special Operations Group were sent by helicopter. They arrived at the forward command post at Tarrana at about 3.15pm.
Others followed in the squad's two Toyota Landcruisers, arriving at 4.12pm. Hank Timmerman, the SOG commander for just 10 days, ***now had a team of thirteen in place.***
The first of them moved forward to Seascape just before 4pm. By 5.12pm, they were all in place.
[Suddenly One Sunday page 106]

The Special Operations Group was called out at 1347. Three members flew to Taranna by helicopter arriving at 1533 and nine members travelled by road. They arrived on site at 1612.
All available SOG members including fourteen fully trained, six probationary members and five support/admin personnel were on site by 0100 on 29 April.
[EMA page 9]

The igniting of the BMW.

What method was used to ignite the BMW? According to the police during the Interrogation, petrol was used to set the fire, there is no real evidence to confirm this. Simply because there were petrol containers in the Volvo, does not prove that petrol was used to initiate the fire, nor does Bryant's admission of splashing petrol about, prove what actually occurred.

There was no forensic analysis supplied to the Court regarding the accelerant used to ignite the BMW, such a test would most certainly have been carried out.

After securing Mr Pears inside the house it is the Crown case that Bryant returned to the BMW, splashed petrol liberally over the interior of the vehicle and set it alight. [Court Document page 172]

While this first reference from the Interrogation sounds somewhat incriminating, it also indicates that Bryant is not too sure that he actually set the fire in the BMW, it is also evident that he suffered no burns, or even loss of eyebrows. Using petrol to start a fire is very dangerous and hard to control, from what distance would it be ignited, and with what device to carry the flame to the car, a match would be too close, the firelighters possibly.

Where are the questions pertaining to how Bryant would have practised and learnt how to set fires using petrol, and in particular how to ignite the same without personal injury.

Q. Where, can you remember where you drove when you went into Seascape?
A. I remember skidding on some grass and, I had a heap of petrol, had some petrol with me, I put some petrol in the BMW.
Q. And what happened then?
A. Well what happened then, I knocked on the door to see the Martins but there was no answer. And what happened is I remember the explosion.
Q. Where was . .
A. I think, I don't know whether I put the car on, lit the car up or not.
Q. Sorry?
A. I don't know whether I lit the car up or not but there was an explosion.

This portion is more informative, Bryant cannot remember setting fire to the car, but, more importantly, he remembers seeing a flash, if the police did set the fire in the BMW, then a flash would describe very nicely the action of an incendiary device or grenade.

Q. Back at, back to Seascape. What happened when no one answered the door?
A. I went round to the back.
Q. You went round to the back? And what did you do there?
A. No answer the door there either.
Q. No.
A. So next thing is I must've played around with petrol.
Q. Must've played around with the petrol.
A. Mmm.
Q. What do you mean, you must've played around with the petrol?
A. Set fire to the, to the car.

Q. Can you remember doing that? You say you must.
A. No I can't. Vaguely. Vaguely ***remember a flash*** *and I must've been in the car when it went up 'cos I got burnt so. Mmm. Someone's whistling.*

The burning of the Seascape guesthouse.
The following information relating to Martin Bryant setting the fire within the Seascape guesthouse seems quite conclusive, his admission of spreading petrol seems to clinch the fact.
Q. You'll also be charged with the arson of Seascape, do you understand all that?
Bryant. How many months will it get me in?
Q. Well, that's not a question I can answer.
Bryant. And the arson of the BMW?
Q. No, of the Seascape. We believe you burnt Seascape as well as the BMW. I hope we've explained things clearly and you understand the gravity of the situation.
Bryant. It's great to have someone to talk to. And you guys won't be in again?
Q. No.
Bryant. To have a talk.
Q. No.
Bryant. I'll miss ya's.
[Interrogation]

Saville: *What happened, why didn't you shoot yourself?*
Bryant: *I should have, I took 19 sleeping tablets, you know those little blue ones. My father took sleeping tablets when he took his own life...*
Saville: *What about these tablets, when did you take them?*
Bryant: *Monday morning, what I wanted was to have the tablets, lay down on the bed and shoot myself in the heart, it didn't turn out like that.*
I had poured a heap of petrol about in the house, but it had soaked into the carpet, so I tipped more about and then lit it. There was an explosion and I caught on fire and woke up in hospital, I should have jumped in the bath.
[Sworn Statement: Blair Saville, prison guard, conversation 3rd August 1996]

About 7.30am I heard shouting from within the "Seascape" Cottage, I believe the words, "Come on," or "Come in," were shouted.
A few minutes after this, a series of shots from a high calibre rifle were fired from the "Seascape" Cottage. Two shots were towards the west, with another four or five shots sounding like they were directed outwards from the other three sides of the cottage.
About five minutes later, I observed and reported a window on the upper level on the northern side being smashed out on the cottage, with what appeared to be glass bottles and pieces of furniture, and other small objects being thrown out onto the verandah roofing below. I could hear smashing noises coming from within the cottage.
About 7.45am I observed and reported thick white smoke emanating from within an upstairs room on the western side of the cottage. Almost immediately, I observed and reported flames within that room through the attic window, within minutes, this room was fully ablaze. Several minutes later, most of the upper level of the cottage was ablaze.

During this time I heard a large number of small explosions, similar to exploding ammunition. Shots were still being fired from within the cottage, I also heard three very loud explosions from within the cottage.
About 7.55am, I observed movement on the ground floor at the door on the west side. About this time, I observed that the fire was now taking hold downstairs on the western side below where it had been initially observed.
About 8.00am, I heard several shots which sounded like a handgun, more shots could be heard similar to that of a hand-gun over the sound of what I believed was exploding ammunition.
About 8.15am, I observed that the majority of the cottage was ablaze, I reported that only two areas within the cottage I could see were not ablaze, these being the northern side and the south west corner on ground level.
I observed curtains moving from right on a ground floor window on the northern side.
About 8.25am, I observed and reported a person moving away from the south west corner of the cottage. This person was wearing dark clothing, had shoulder length blonde hair, was flat chested, and holding their hands forward, this person was unarmed at the time. I observed that this person's clothing was on fire in the back region. I lost sight of this person behind some shrubs, approximately five metres from the south west corner. I could hear this person moaning and making other vocal noises, but could not see this person...
About a minute later, I observed a naked male person, believed to be the suspect, stagger from the vicinity of where I had lost sight of the burning person previously.
[Statement: Detective Constable Hedley Browning]

Hopefully, a Royal Commission will be able to unravel the truth of the matter of arson. While the testimony and circumstances point towards the guilt of Martin Bryant, cold hard proof has been substituted with hearsays, long harboured confessions that may have been tainted, and a plethora of intriguing events that have been kept from the public.

CHAPTER 19
THE BMW.

Men occasionally stumble on the truth,
but most of them pick themselves up and hurry off as if nothing had happened.
Winston Churchill

The matter of the BMW is rather unique, whilst Martin Bryant has continually denied his presence at Port Arthur, despite numerous eyewitnesses that have stated that they positively identified him from the Identity Board. He quite readily it seems, has admitted to the hijacking of the BMW and the taking of the hostage, Glenn Pears.
But despite this admission, Bryant persistently maintains that he took the BMW from the Fortesque Bay turnoff. In his explanation he manages to get practically every fact about the taking of the BMW wrong, or as the Crown describes to the Court, *at total variance to the facts as we know them to be.*

During the course of this interview which was electronically recorded Bryant admitted ownership of the Colt AR15 rifle. He further admitted to kidnapping a male person and ordering him at gunpoint into the boot of the BMW and to then driving the vehicle to Seascape and subsequently setting it on fire. However, at all times throughout the interview Bryant maintained the denial that he had ever entered the Port Arthur Historic site on the 28th of April or that he had shot any person. And his account of the kidnapping of Mr Pears and the taking of Mr and Mrs Nixon's BMW was ***at total variance to the facts as we know them*** *to be.*
[Court Document page 191]

Martin Bryant's version of the event simply does not tally, it would seem that he went to great lengths to deny his presence at Port Arthur, and denying that the BMW came from there would be in keeping with that denial.
What makes this denial somewhat hard to disprove, is that there was no actual or positive proof of any kind that Bryant was at Port Arthur, there was quite a lot of his personal property there, the Volvo, his passport, his camera, his Prince bag, his DNA within the bag, and lots of people that identified him, but no fingerprints or DNA left at any of the crime scenes, not on any bullets, nor on the lunch he ate there.
Did this low IQ person manage to plan and perpetrate such a crime without leaving any real proof behind, and yet he took so many personal items there that would in fact identify himself, what an enigma. It is certainly easy to see how so many theories about Port Arthur have managed to abound.

The details relating to the BMW from the Court Document.
The confession regarding the BMW, was received as something incredibly strange by the Court, as Bryant managed to get most of the facts completely wrong, what follows is the Courts version that has been reconstructed from the accounts of eyewitnesses.

Your Honour, just prior to the murders of Mrs Mikac and her daughters a New Zealand couple, Mr and Mrs Buckley, drove into the historic site in a red Holden Commodore. After paying the entry fee at the tollbooth they proceeded about a hundred metres down the entrance road following behind a gold BMW sedan when

they were warned by an elderly man on the roadway not to go any further as someone was firing shots. Mr Buckley reversed his vehicle a short distance before turning and driving back up to the tollbooth, parking just before it on the left hand verge. And the photograph 162 shows Mr Buckley's Commodore in the position in which he'd parked it.
Your Honour, the BMW completed a similar manoeuvre, also parking near the tollbooth, just past it, in such a position as to partially block the entry lane to the site. This vehicle was owned by Mr Ken Nixon and his wife Mary Rose. The Nixon's had had friends staying with them for a couple of days, Mr Robert Salzmann and his wife Helene from Switzerland, and Mr Jim Pollard, and that morning Mrs Nixon, together with the Salzmanns and Mr Pollard, had set off to visit Richmond and Port Arthur. The Buckleys left their vehicle and Mr Buckley spoke to Mrs Kingston, the tollbooth attendant, to inquire as to what was going on. As he was standing beside the tollbooth Mr Buckley looked down the road
[Court Document page 153]

The Buckleys then started running up the road towards the site turnoff where they were picked up by Mr Keith Edward and his wife, June, and driven to the Port Arthur Service Station, just to the north of the entrance to the site.
Your Honour, after slaughtering the Mikacs Bryant re-entered his vehicle and drove up the entrance road, pulling up just past the tollbooth on the left-hand verge, approximately level with or slightly behind the Nixon BMW. Photograph number 5 shows the position of the Volvo.
A few seconds later Miss Debra Rabe turned left from the Arthur Highway into the site entrance and drove towards the tollbooth to be confronted by the gold BMW blocking her path. Miss Rabe and her passengers, Mrs Frida Cheok and son, Nicholas, observed a woman in the front passenger seat of the BMW we believe to have been Mrs Nixon, motioning to them with her hands as if to say, 'go back'.
At the same time they observed two men, Bryant and Mr Salzmann apparently arguing at the driver's side door of the Volvo. It is the Crown case that Bryant then quickly moved a step or two to the rear of the Volvo and removed the .308 calibre SLR rifle. A few more words were exchanged and Bryant raised the rifle and shot Mr Salzmann at point blank range through the neck, a lethal injury, causing Mr Salzmann to fall straight backwards to the roadway
[Court Document page 155]

Mr Salzmann was wearing a blue jumper, and I refer your Honour to photograph number 15. Immediately after the murder of Mr. Salzmann Mr. Pollard was observed by Nicholas Cheok to get out of the driver's seat of the BMW and walk around the front of the vehicles towards Bryant. Bryant thereupon raised the rifle to his shoulder and shot Mr. Pollard at close range through the right chest causing a lethal injury. And I refer your Honour to photograph number 12.
By this time another car had pulled up behind Miss Rhodes' vehicle, the occupants of this car having been alerted to the horror of the scene before them by the urgent signalling of Mrs. Cheok, quickly reversed back towards the entrance allowing Miss Rabe to do likewise. While Miss Rabe was in the process of reversing her vehicle Bryant turned his attention to the two remaining occupants of the BMW. The exact sequence of events in the next few seconds is not entirely clear but it seems probable that Bryant went to the rear driver's side door of the BMW and pulled Mrs. Salzmann

from the vehicle shooting her as he did so. Mrs. Salzmann sustained a fatal gunshot injury, the bullet entering her neck and exiting through her left upper back. And I refer your Honour to photograph number 6.

The Crown case is that Bryant then walked to the front passenger side of the BMW where Mrs. Nixon was seated and shot her twice before dragging her body clear of the vehicle onto the roadway. Mrs. Nixon sustained two gunshot wounds, one entering her right shoulder and perforating her neck and cervical spine, the other entering her left shoulder and perforated the left chest cavity. Both of these wounds were lethal injuries. I refer your Honour to photograph number 9.
[Court Document page 156]

Immediately following the murder of Mrs. Nixon and dragging her body from the car Bryant commenced to transfer a number of items from the Volvo to the BMW. These items included the Colt AR15 rifle, a quantity of ammunition, two sets of Smith and Wesson handcuffs and most probably at least one container of petrol.
[Court Document page 157]

At about this time Mr. Graham Sutherland turned left from the Arthur Highway into the Historic Site entrance road. He was driving a maroon Magna sedan. Seated beside him was his son, Thomas, his wife, Stephanie, another son, Stuart being in the rear seats. When their car was a hundred to a hundred and fifty metres away from the Tollbooth they noticed the BMW and the Volvo and three bodies lying on the roadway. Mr. Sutherland recalls Thomas yelling out, ' There's someone running back to the other car. ' He immediately put the car in reverse and accelerated rapidly as two gunshots rang out and Mr Sutherland was sprayed with small particles of glass. It is the Crown case that Bryant fired two shots from the .308 calibre FN rifle at the reversing Magna fully intending to kill the driver of that vehicle. This conduct constitutes Counts 57 and 58 on the indictment. The Magna was struck by two bullets, the first striking the windscreen on the driver's side, the second penetrating the driver's side front door just to the left and above the door handle. And I would refer your Honour to photographs of that vehicle, numbers 542, 538 and 539.

HIS HONOUR: What is the first one? 538, 539 and what was the first one?
MR PERKS: 542, your Honour.
HIS HONOUR: Yes.

MR PERKS: 542 shows a close-up of the first shot that struck the windscreen. Fortunately, your Honour, none of the occupants of the Magna were physically injured. Having completed the transfer of material from his Volvo to the BMW Bryant set off in that vehicle on his continuing trail of devastation and destruction. He left behind in the Volvo a number of items of some significance including the 12 gauge Daewoo semi-automatic shotgun that has been marked for identification. That was fitted with a magazine containing nine cartridges.
[Court Document page 158]

Also left in the car were two magazines for the .308 FN rifle, one empty and one containing seventeen live rounds.
[Court Document page 159]

One magazine for the colt AR15 rifle containing twelve live rounds and a cardboard box containing four hundred and thirty nine, point three o eight calibre cartridges. There was a twenty five litre gasoline container containing twenty litres of petrol left in the Volvo together with a second ten litre drum containing seven litres of petrol. There were three packets of Little Lucifer fire starters and a grey video camera bag which contained, amongst other things, six keys bearing tags marked Seascape, as Mr Bugg has already mentioned.
[Court Document page 160]

Mrs Cheok persuaded Miss Rabe to leave also and as she drove across the forecourt preparatory to driving on to the Arthur Highway, she observed a gold BMW approaching from the Port Arthur entrance road and then veer across to the wrong side of the roadway blocking the exit of a white Corolla hatchback.
[Court Document page 162]

I refer your Honour to photograph 395 which is an aerial photograph of the service station and it shows the white Corolla at the northern exit of the service station. Your Honour, the occupants of this vehicle were a young couple from interstate, Mr. Glen Pears, originally from Tasmania, and Miss Zoë Hall. Although there are some differences in the description of events as recounted by various witnesses, it seems almost certain that Mr. Pears was driving the Corolla and Miss Hall beside him in the front passenger seat.
Immediately after bringing the BMW to a halt Bryant got out of the vehicle armed with the FN rifle and went straight to the passenger side front door of the Corolla and it appeared to one witness that he commenced to try and pull or wrestle Miss Hall from the front seat. She was screaming a very sharp, loud, high-pitched scream. At this point it is the Crown case that Mr. Pears got out of the Corolla and moved around to the passenger side where he appeared to be attempting to placate Bryant. Bryant responded by raising the rifle to Mr Pears chest and then pushing him and directing him back towards the rear of the BMW, the boot of which it seems was already open. Mr. Pears was then forced to climb into the boot and kneel inside and Bryant then shut the boot. Bryant then walked from the rear of the BMW back towards the passenger side front door of the Corolla. As he approached it seems that Miss Hall moved across from her original position in the front passenger seat into the driver's seat. When he reached the passenger side front door Bryant calmly and deliberately raised the rifle to his hip and fired three shots in rapid succession, smashing through the window into Miss Hall. She received an injury to her neck, an injury which passed through her left forearm through her chest and into the right arm, and a wound through her back. The first two of these wounds were lethal injuries and according to the pathologist the third was most probably so.
[Court Document page 163]

An eyewitness account.
Jim Laycock was the previous owner of the Broad Arrow Restaurant, at the time of the shooting he was at the Kodak Express Shop, owned by his daughter and son in law Yanni Kateros.
After hearing the initial shooting, Mr Laycock phoned '000' and then observed much of what transpired at the BMW while at the Toll Gate, and also what occurred at the Service Station when Glen Pears was taken hostage, and Zoe Hall was murdered.

I unlocked the door and stepped out, and saw the young man and this blonde figure, which I didn't know was a female or male, because of the length of the blonde hair, and the way it was flowing out and hanging loose.
The figure was shapeless, he had a coat which I believed was a khaki green in colour, and appeared to come to his mid thigh region.
The blonde person was attempting to force the young man, who was taller than he was, into the opened boot of the BMW. The blonde did not have hold of this male, they appeared to be about 4' apart. The blonde person was holding onto a gun, which he was moving around at his chest height, it appeared to be a shorter rifle.
The victim looked about 6' tall, slim build but wiry, I believe he had medium to light brown short hair, clean shaven, no glasses. He had on a checked shirt (autumn rusty colours) and light coloured jeans.

Mr Laycock witnessed the shooting of Zoe Hall, and the departure of the gunman, he had this to say about Martin Bryant.
I have known Martin Bryant from the age of 10 years until he was about 23 years old, I only knew him as one of the local kids. Whilst he was with the lady (Helen Harvey) he would come into the Broad Arrow and she would buy him a devonshire tea, and spend a lot of money on possessions.
Over a five year period they came into the Restaurant about 1 dozen times, always on a Sunday, and always for afternoon tea.
On this Sunday the 28th April 1996, I did not recognise the male as Martin Bryant.
The person I saw shooting appeared to be in the low twenties, about 5'10" tall, it was impossible to determine his build, (the coat was shapeless) his hair stood out, it was blonde, I thought it was bleached blonde and possibly a female, his hair was shoulder length, his walking appeared to be mannish.
[Sworn Statement: James Laycock 10th May 1996, 1st July 1996]

Jim Laycock was not given the opportunity to view the Identity Photoboard, and possibly identify the gunman.

The details relating to the BMW in the Court Document.
Photographs 1 and 2 are photographs of the Corolla and Miss Hall. After murdering Miss Hall, Bryant was observed by Mr Kateros at the photo shop to run back to the BMW and then drive off at high speed in the direction of Seascape. Three .308 calibre fired cartridge cases were subsequently recovered from the vicinity of the white corolla. All had been discharges from the same firearm used by Bryant at the tollbooth, the FN self-loading rifle.
[Court Document page 164]

Bryant drove the BMW at high speed north along the highway pulling into the Seascape driveway, or just off the roadway adjacent to that driveway. Photographs 794 and 801 show the entrance to the Seascape looking from a northerly direction and a southerly direction.
As Bryant was approaching the Seascape driveway Mr. John Rooke was approaching in the opposite direction at slow speed in his Datsun sedan towing a loaded trailer. Mr Rooke observed the BMW cut straight in front of him and stop in the Seascape driveway. He then saw a male person, who the Crown say of course was Martin Bryant, get straight out of the BMW and point a rifle directly at his approaching car,

and from a distance of about twenty feet fired two shots in quick succession. Mr Rooke thought that the shots must have been blanks as his vehicles was not struck but as he drove past Bryant he heard two further shots and saw in the rear vision mirror the windows of a red Falcon, following some distance behind, get blown out.
[Court Document page 164]

Your Honour, after firing the last two shots which struck Mr Williams' Ford and the reversing Magna containing Mrs Wardle and her companions, Bryant returned to the BMW and drove down the Seascape driveway and across a grassed area bordering the southernmost cottage, pulling up alongside a line of poplar trees. There's an aerial photograph showing the position of the BMW in relation to Seascape numbered 401.
[Court Document page 171]

Your Honour, after bringing the BMW to a halt Bryant got out of the vehicle, removed Mr Pears from the boot, and took him inside the main Seascape cottage, the residence of Mr and Mrs Martin. Once inside, using the two sets of handcuffs he had brought with him, he handcuffed Mr Pears' wrists behind his back. The second pair of handcuffs were linked to the handcuff on the left wrist with the free cuff being closed and secured around move immovable object within the house. After securing Mr Pears inside the house it is the Crown case that Bryant returned to the BMW, splashed petrol liberally over the interior of the vehicle and set it alight. He had removed from the vehicle both the Colt AR15 and FN rifles together with ammunition for each weapon.
[Court Document page 172]

This is pure guesswork, and not very good guessing either. A cursory examination of the aerial and ground level photos of the Seascape property after the siege, shows that there are tyre skid marks left by the BMW, indicating that the vehicle was not driven directly to where it was found, but rather, that it had been parked beside the Seascape front entrance firstly, and then after unloading Glen Pears and the weapons, was then driven to the rear of the property.

And, was it burnt by the Police to prevent the escape of the gunman, or was it burnt by Martin Bryant, I have been given information that the Police actually set fire to the BMW and to the Seascape Cottage with an incendiary device, this would also fit in with what Martin Bryant states in the Interrogation, when asked about how the BMW caught fire he replied, ***No I can't. Vaguely. Vaguely remember a flash and I must've been in the car when it went up 'cos I got burnt so.***
Interesting reply, there is no "flash" when you set fire to petrol, there is an explosion, there is a "whoomph", but there is a flash when an incendiary device is used, and a petrol fire in the BMW would have resulted in a big explosion, and surely some injuries to Martin Bryant.

I must point out that all information and probability point to Bryant as having set the fire, but until the various options are investigated and reported upon, taking into account whether or not the Police were involved, the accellerant used, and the identity of the dark haired person who was observed by Police moving naked between the

buildings at the time of the arson of the BMW sedan, then the matter can not be considered resolved beyond all reasonable doubt.

Summary of the Court excerpts.
The gold BMW was owned by Mr Ken Nixon and Mrs Mary Rose Nixon, on the day Mrs Nixon went with friends Mr Jim Pollard, and Mr Robert Salzmann and Mrs Helene Salzmann to Port Arthur and were parked near the Tollbooth because of warnings about entering the site.

Then Bryant drove up and stopped level with the BMW and was observed arguing with Mr Salzmann at the drivers side door of the BMW, Bryant then went to the rear of the Volvo, produced the .308 FN and shot Mr Salzmann.
Mr Pollard left the drivers seat of the BMW and walked around the front of the vehicles towards Bryant who then shot Mr Pollard through the chest.
Bryant then removed Mrs Salzmann from the rear drivers side and shot her, before going to the front passenger door and shooting Mrs Nixon twice, and then dragging her body clear of the car.

Next, Bryant transferred the AR15, ammunition, the two handcuffs and some petrol from the Volvo to the BMW.
Two shots were then fired at a maroon Magna driven in by Mr Graham Sutherland before setting off in the Volvo, with the Daewoo shotgun, some magazines, some petrol, fire starters, and a camera bag containing 6 keys marked Seascape.

Then the BMW veered to the wrong side of the road blocking the exit of a white Corolla hatchback at the service station, the driver was Mr Glen Pears and his passenger was Miss Zoe Hall.
After stopping the Corolla, Bryant got out of the BMW armed with the .308 FN, and tried to remove Miss Hall from the passenger side, then Mr Pears got out and walked around to reason with Bryant, who directed him with the .308 FN towards the opened boot of the BMW, put him in and closed the boot.

Bryant then returned to Miss Hall who had now moved across to the drivers seat, he fired three shots at her before running back to the BMW and driving off at high speed towards Seascape.

Arriving at Seascape, Bryant pulled into the driveway and commenced shooting at a number of passing cars, he then drove down the Seascape driveway, removed Mr Pears from the boot and took him inside the cottage, and returned to the BMW, moved it to the bottom of the garden, and apparently, splashed petrol over the interior, and set it alight after removing the .308 FN and the .223 AR15 rifles first.

The Police Interrogation excerpt.
All of page 91 is deleted save for the question which commences "Martin, going back to the BMW" and the fourth answer on that page "Oh, it just came to me to take - take this car – get hold of this car and take it for a drive, it just felt good."

HIS HONOUR: That stays in, does it?

MR PERKS: That stays in. The rest of that page is deleted, as is the next

HIS HONOUR: So the first question and answer goes out, does it?

MR PERKS: Yes.

HIS HONOUR: And the third and the fifth following?

MR PERKS: Yes. Page 92 is deleted through to page 98.

HIS HONOUR: Deleted?

MR PERKS: Deleted. And it recommences on page 98 at the word "Warren". It continues then through until 115 where there's a further deletion from the second "Warren" on that page and –

Q. Martin, just back to the BMW. How did this guy get to get in the boot?
A. I put him in the boot because I had a gun.
Q. Which gun did you have?
A. I had the umm.
Q. Can Mr Warren hold it up?
A. *That AR15. You see if people didn't do these unfortunate things, you guys wouldn't have a job.*
Ed. Wrong, we have just learnt that it was the .308 FN

Q. Well there's a lot of truth in that Martin, let me tell you.
WARREN
Q. That one there?
A. Yes.
Q. Yeah.
A. That was the one.
Q. This is the one.
A. It's a sweet little gun. Because it's so light. How light is it?
Q. Can you remember what you said ahh, this fellow?
A. Hey mate, can you get out of your car please, I'm gonna take your car.
Q. Did, and you had this pointed at him did you?
A. Yeah I had it pointed at him.
Q. Right.
A. *And moving it backwards and forwards with his wife and child too.*
Ed. Wrong again, there was only Miss Hall in the car, and no children in the BMW either.

PAINE
Q. Was the gun loaded?
A. Yeah the gun was loaded, yeah had about eight, nine rounds in it. Mmm.
Q. And where did this take place Martin sorry?
A. *At the Fortesque Bay turnoff, just, ohh about three or four minutes away from the Martin's farm.*
Ed. No, it was at the Port Arthur service station.

Q. To which side of ...
A. That was.
Q. ... The Seascape is Fortesque Bay turnoff?
A. Ahh, before you go to Seascape on the way to, on the way to Hobart.
Q. So it's on the Hobart side of Seascape?
A. Mmm.
Q. Right. And where did you drive then?
A. I drove full speed, it was about, I was going about 140 Ks up the road and went into Seascape. Just drove down there in the BMW.
WARREN
Q. Where, can you remember where you drove when you went into Seascape?
A. I remember skidding on some grass and, I had a heap of petrol, had some petrol with me, I put some petrol in the BMW.
PAINE
Q. And what happened then?
A *Well what happened then, I knocked on the door to see the Martins but there was no answer..*
And what happened is I remember the explosion
Q. Where was ...
A. I think, I don't know whether I put the car on, lit the car up or not.
Q. Sorry?
A. *I don't know whether I lit the car up or not but there was an explosion.*
Ed. He seems unsure of whether he actually lit the car himself, but he obviously was aware of the explosion.

Q. Where was the man that was?
A. *He must've been trapped in the boot, the hostage.*
Q. Where did the petrol come from?
A. A service station.
Q. Which service station?
A. Umm, where do you get the petrol, in Elizabeth Street self serve.
Q. So you had it in drums?
A. Mmm.
Q. Can you describe the ...
A. Plastic, just plastic drums.
Q. What colour were they?
A. Red.
Q. Red plastic containers?
A. Mmm.
Q. How many did you have with you?
A. Ohh two or three on me. Just in case, I used to often run out of petrol you see and oil, I didn't have any oil on me at the time but I had petrol.
Q. When did you say you ran out of petrol, in the Volvo you're talking about.
A. Mmm.
Q. How come you ran out of petrol?
A. Ohh the, it, it was the gauge was pretty, fairly faulty you know.
Q. The gauge was faulty?
A. Yeah.
Q. Ohh.

A. And then.
Q. How did the BMW go?
A. good.
Q. Do they go pretty well do they?
A. Yeah.
WARREN
Q. Was it an automatic or manual?
A. Automatic.
Q. Mmm.
PAINE
Q. What model was, was it, do you remember?
A. Well, I was a ... inaudible ... Ohh it was a fairly high model, fairly big model, you know. Mmm. Worth a fair bit of money they say, fifty, sixty thousand dollars a car. I was rapt up in it when I saw it.
WARREN
Q. Mmm.
A. I would love to own a BMW.
PAINE
Q. What colour was it?
A. Gold. It was a gold BMW.
Q. After you left Roaring Beach and before the BMW, did you speak to anyone?
A. Only the, think in the shop in Nubeena when I got the toasted sandwich and ...
Q. Did you speak to anyone before you went to Roaring Beach surfing?
A. Ahh, oh I had a coffee at Sorell.
Ed. Not really, the coffee was 7 kilometres past Sorell at Forcett.

PAINE
Q. Were you on your own when you went to Port Arthur, oh Roaring Beach that day?
A. Yes. Mmm. I was. I wish I'd took my girlfriend but like I said, it's good for her to go home on a Sunday to her parents.
Q. Alright, back to Seascape. So.
A. Yeah, back to Seascape.
Q. You got out of the car.
A. Back to the Pink Palace.
Q. Is that what you used to call it?
A. Yeah, most people down there used to call it the Pink Palace 'cos it's pink.
Q. Right so we've got, you've got out of the BMW?
A. Mmm.
Q. Tipped petrol, where'd you tip the petrol?
A. I don't recall because it was a vast explosion and I had my gun strapped around me.
Q. Which one?
A. The AR15 there.
Q. The one Mr Warren lifted up a short time ago?
A. Yeah. Mmm.
Q. Right. And what'd you do with that?
A. And umm, I also had me shotgun.
Ed. He did not have the shotgun with him, but he gets the story right in the next question.

Q. Your shotgun?
A. Yeah, And I don't remember anything else.
WARREN
Q. Where did you have the shotgun Martin?
A. I left that in the Volvo.
Q. When you went to Seascape?
A. Yeah.
Q. You left the shotgun in the Volvo?
A. Yeah. 'Cos I was all shaky 'cos I had this bloke hostage and ...
Q. What about his ahh, what about the lady?
A. *Yeah I got her to go, get into the Volvo so the child went in too. She was just there shocked. Devastated. Mmm. So .*
Ed. Again he gets the occupant wrong, only Miss Hall was there, dead.

PAINE
Q. Did you actually knock on the door at Seascape?
A. *Mmm, few times, went around the back, knocked on the door, no answer.*
Ed. What reason would he have to deny seeing Mr and Mrs Martin?

WARREN
Q. Do you remember talking to anyone that morning, that same morning at Seascape?
A. No.
Q. Are you sure about that?
A. Mmm.
PAINE
Q. Did you go inside at Seascape?
A. No. You can ask me questions. It'd be interesting if I could hear some of yours, you know, like your other, if you've got other things that you could tell me on you report.
Q. Did you get the hostage's name?
A. No, not at all.
Q. So apart from ...
A. What have you got on your report? Is there other things that you reckon I've done down there?
Q. Yes there are.
A. What like?
Q. Well you see.
A. Tell me.
Q. If you could tell us.
A. No I don't.
Q. Back at, back to Seascape. What happened when no one answered the door?
A. I went round to the back.
Q. You went round to the back? And what did you do there?
A. No answer the door there either.
Q. No.
A. *So next thing is I must've played around with petrol.*
Ed. This is the wrong answer to the question asked.

Q. Must've played around with the petrol.

A. Mmm.
WARREN
Q. What do you mean, you must've played around with the petrol?
A. Set fire to the, to the car.
Q. Can you remember doing that? You say you must.
A. *No I can't. Vaguely. Vaguely remember a flash and I must've been in the car when it went up 'cos I got burnt so. Mmm. Someone's whistling.*
Ed. Again Martin has problems remembering the storyline. And a "flash", could this have been an incendiary used by a policeman to ignite the BMW.

PAINE
Q. And you said to us earlier that you think that the hostage at that stage must've been in the car, that's, is that correct or?
A. In the boot.
Q. Must've still been in the boot?
A. Yes.
Q. Yeah.
A. Mmm.
WARREN
Q. How do you feel about that Martin?
A. Pretty awful. Mmm.
WARREN
Q. How did you get the burns?
A. From the fire I s'pose.
Q. Which fire?
A. I, I was involved in down at the car. The BMW.
WARREN
Q. Can you remember how you started that fire?
Must've been with a match.
Q. With a match?
A. Mmm.
Q. Do you carry matches with you?
A. Not very often, I don't smoke so there's no reason for me to carry matches or lighters.
Q. Mmm.
Q. Martin, going back to the BMW as we were just talking about the Seascape and the car, why did you put the man in the boot?
A. Ohh because to take him hostage, I thought I'd get in less trouble if I got caught having him in the boot, but I don't know, I just thought, I was a bit worried that if he didn't go, he'd go off in my car.
Q. And why'd you think you'd be in less trouble?
A. I didn't, I didn't want to shoo... 'coz I wouldn've got caught, probably wouldn've got caught you see, he would've gone off in my car, rang the police straight away so I thought I'd take him hostage and let him go later after taking the car for a spin but and when I drove along, I thought I'd go down and see the Martins. Mmm.
Q. What trouble did you think you were in?
A. Ohh, it just came to me to take, take this car, get hold of this car and take if for a drive and it just felt good.
[PORTION MISSING]

WARREN
Q. Martin, getting back to that point about the hostage, you taking the hostage because you didn't want him telling the Police. What didn't you want him telling the Police.
A. That I took his umm, car.
Q. But I mean, if you'd have left him on the side of the road, he wouldn't have known where you could've driven.
A. Yeah but he could've let them know that there was a chap with blonde hair, took me car, stole me car. So I sort of put him in the boot to be safe.
Q. So you thought your looks that day were distinctive and if someone said they saw a chap with blonde hair.
A. Mmm.

WARREN
Q. How many people were in the BMW?
A. Ahh there was a lady, I don't recall if it's a boy or girl, and a man, there's three people altogether.
Q. Couldn've been four?
A. No definitely three.
Q. *Definitely three.*
Ed. No, there were two women and two men.

A. Mmm.
Q. How many women did you see?
A. In the BMW?
Q. Mmm.
A. There was the lady and the child, I forget whether the child was a boy or a girl.
Ed. No children in either car.

Q. Then you got to the toll booth, to the position we showed you your car was in, in that photo.
A. Mmm.
Q. Took the BMW, shooting the occupants.
A. *Must've been, I told, the BMW was back there at the Fortesque Bay turnoff.*
Ed. Wrong location again.

Q. No, the BMW wasn't there.
A. Was it the same colour BMW?
Q Yes. Shooting the four occupants. Then driving to the service station near the white Corolla that was in that photo. Forcing the person into the boot of the BMW as you've described and shooting the person that was still in the Corolla and then driving to Seascape.
A. Did that person, did that person die did you say?
Q. Yes.
A. Mmm.
Q. At Seascape before driving down the driveway, we believe you shot at several cars driving past. Then you went down to Seascape.
A. I didn't shoot anyone.
WARREN

Q. You didn't shoot anyone?
A. No, not at all. And you reckon you've got dozens of witnesses.
Q. Certainly have.
A. *Where are they?*
Q. Where are they?
A. Mmm, the witness. Have you got any other photos to show me?
Q. Well do you ...
PAINE
Q. ... Do you want to see the photos?
WARREN
Q. Do you want to see the photo's?
A. *Of the witnesses if you've got them.*
PAINE
Q. Well we haven't got any photo's of the witnesses. Obviously the witnesses are not here today. But I have a couple of statements made by witnesses I can quote.
A. I do like looking at photo's. Have you got other photo's to show me?
Q. What do you want to see the photo's for Martin?
A. Whatever they, I don't know.
WARREN
Q. They're not very pleasant.
A. Aren't they ... inaudible ... I don't like ... inaudible.. I like watching videos ... inaudible ...

As with every other facet of Port Arthur, the taking of the BMW is a very unclear matter, there does not appear to be one aspect of this crime where it is possible to state unequivocally that Martin Bryant did or did not take part.

The Volvo was left behind quite intact, and full of Bryant's possessions as would be expected, but the BMW which would have contained DNA to confirm whether or not Bryant was the real gunman, just happened to end up burnt and destroyed.

If Bryant was the actual killer at Port Arthur, then his IQ rating of 66 is about 100 shy of the real mark, as every facet of this crime has been obscured with uncertainty and total lack of proof beyond the realm of circumstantial.

He is either very brilliant, very lucky, or quite possibly the perfect patsy.

CHAPTER 20
SIEGE AT SEASCAPE.

He who decides a case without hearing the other side...
though he decides justly, cannot be considered just.
Seneca

Many of the occurrences during the siege seem at a glance, to be quite straightforward. That one Martin Bryant has arrived with the stolen BMW with Glenn Pears in the boot, removes him and the weapons into the Seascape Cottage, burns the BMW, and gets on with having potshots at the Police for the next 18 hours.
Then Bryant sets fire to Seascape, gets burnt in the process, and staggers out to be finally apprehended.

But just as the public have not really been privy to the preliminaries of what occurred at Seascape, neither have the powers that be, been very forthcoming with the facts of what happened at Seascape, after the massacre at Port Arthur.
For someone with such a low IQ, Martin Bryant has displayed amazing abilities to plan and prepare for the whole event, and this almost meticulous preparation is displayed again during the siege.
At Seascape he has an alter ego called ***Jamie,*** who incidentally seems very much in control when on the telephone, suggesting perhaps a multiple personality.

His knowledge of Police activities during aspects of the siege suggests he has use of a radio scanner, he also has use of Night Vision equipment for a rifle, neither of which are found in the burnt debris after the siege, also not found are components of the FN FAL, despite the gun being found beyond the debris of the burnt Cottage.

We already know from the chapter, *Murder of the Martins,* that some guns were at Seascape, and in use, well before Martin Bryant arrived with the Volvo. In the chapter, *Ballistic Evidence,* it will be shown that the weapons recovered after the fire at Seascape, could not have been the murder weapons.
The AR15 and the FN FAL rifles or carbines, as shown on National Television immediately after the event in pristine condition, could not have been the murder weapons either!

After fleeing the main crime scene of Port Arthur, the gunman drove to the *Seascape* guesthouse, during the brief 4 kilometre journey he fired upon a number of vehicles and injured more people.
Commonsense dictates that an escape in the BMW belonging to Mrs Nixon would be what followed, but no, it appears that a return to *Seascape* was planned, remember that the keys labeled *Seascape* had been left in the Volvo, but why, if they were taken to allow latter access, would they be left behind.
For something that was very well planned, there were an amazing number of clues left behind, some with quite deliberate preparation, such as the blood stained knife in the Prince bag.

The gunman arrives at 1:45PM

The gunman drove the BMW down the Seascape driveway, then removed Mr Glen Pears from the boot, took him inside the cottage, and apparently handcuffed him to a fixture.

Then the weapons and ammunition were removed from the BMW, and then the car was set alight, thus eliminating the gunman's only apparent means of escape.

What has not been made apparent, is the fact of the skid marks left behind when the BMW was driven to the rear of the Seascape property, in the colour photo of the ruins as published in Time Magazine, it is quite clear that the BMW has been driven there from the direction of the Cottage, and not directly down the driveway as inferred.

The first police arrive at 2:00PM

The Nubeena Police Constable, Paul Hyland, along with Constable Garry Whittle of the Dunalley Police station had been decoyed to Saltwater River about 1:30PM.on a false drug report, thus at the time of the shooting there were apparently no police within a half hour of Port Arthur.

While there, a radio message asked them to attend the Port Arthur site, Constables Hyland and Whittle responded immediately, travelling in separate vehicles, stopping briefly at the Nubeena Police Station.

A further message asked them to look for a yellow Volvo with a surfboard on roof racks, they then left for Port Arthur via different routes.

Constable Hyland drove to the Taranna turnoff, en route a further message asked to look out for a gold BMW sedan, another message reported that people had been shot and were sheltering in the Fox and Hounds Hotel, he then drove south on the Arthur Highway to the Fox and Hounds observing the abandoned Frontiera of Linda White's just south of Seascape.

After speaking to survivors at the Fox and Hounds, he drove back towards Seascape, at this time Constable Whittle drove up behind him and they proceeded slowly towards the entrance at Seascape at 2:00PM.

By this time the BMW was burning, the rear half had not yet caught fire.

Constable Hyland drove 400 metres beyond to stop traffic north of Seascape from entering the area.

At the same time, Constable Whittle positioned his vehicle at forty-five degrees across the highway outside the Seascape entrance to block northbound traffic, following a loud explosion from the burning vehicle, he took shelter at the rear of his Police vehicle.

Next, Constable Pat Allen reversed his Police vehicle from the direction of Port Arthur towards Constable Whittle's vehicle, then, three very loud shots from the direction of Seascape had bullets passing over Constable Allen's vehicle hitting bush or shrubbery to his right.

Constable Whittle moved from his position to a culvert at the rear of his vehicle and was then joined in that position by Constable Allen.

Naked male person with black hair.

The following statements indicate that what the public know about the happenings at Seascape is rather incomplete, is it possible that the person that fired the weapons in the morning before Bryant arrived was still on site, could this person have just disposed of evidence in the about to be burnt BMW, if so, the only reason for being

naked would be to destroy clothing, possibly blood stained, or with residue from gunshots, there are certainly a number of other reasons worth pursuing.
And who could the female person be, running around the back yard, screaming and naked, the time of occurrence here is unclear, but the only female known to be on site is Mrs Martin, described by the Crown as murdered **before** the siege.

About 2.15pm I followed an Ambulance along the Arthur Hwy and arrived at the location of Constable Hyland near the Seascape guest centre, I stopped and the Ambulance continued on...
Constable Hyland was using a pair of binoculars and observing the scene...
Constable Hyland informed me that he had seen what he believed was a naked male person running between the buildings on the property prior to my arrival.
[Statement: Sergeant Andrew Fogarty]

Prior to stopping, I could see a brown vehicle similar to a BMW sedan, this vehicle was stopped on the grass lawn beside one of the buildings, facing east.
This vehicle was on fire, and there was heavy black smoke coming from the vehicle, the rear half of the vehicle had not caught fire at this stage.
I informed Const. Whittle that I would move further north up the road to stop any traffic from coming down, and attempt to get a better view of the area.
As I was moving my vehicle, I saw a person running past one of the cottages, towards the entrance of the main residence. This person appeared to have black hair, and appeared to be naked. I quickly lost sight of this person, I only had sight of this person for about two seconds.
[Statement: Constable Paul Hyland]

At one stage, saw a female running around the back yard, naked, yelling and screaming. There was a dog in the area howling and barking.
Never saw the offender at any time.
[Notes: Constable Garry Whittle]

At about 6pm, I heard the sound of high pitched yelling and screaming, coming from the direction of Seascape.
There were further shots discharged, and at about 7.20pm, I heard the sound of shots being discharged from the house, and then, one which sounded as if it was discharged inside the residence at Seascape.
[Statement: Constable Patrick Allen]

Alison Smith phones Seascape.
Alison Smith, reporter for the ABC, spoke to Martin Bryant *aka* Jamie, early during the siege. There appears to be some conflict with the facts as supplied by The Mercury, and by Mike Bingham. They have mentioned Alison Smith seeing the Ambulances that passed the ABC roundabout, as this was reported to have occurred some 20 minutes later, something does not tally here.
If the sighting of the Ambulances is correct, then the phone call made by Alison Smith may have in fact followed the phone call that Martin Bryant made to Merran Craig.
If so, this may explain Bryant's mirth when he answered the call from Smith.

At about 2.10 p.m. that day Alison Smith, an ABC reporter left Hobart headed towards Port Arthur with a camera crew after hearing of the shooting incident. While travelling south Miss Smith made a series of telephone calls on her mobile 'phone to various businesses in the Port Arthur area to try and glean some further information. ***Between 2.30 and 2.40 p.m.*** *she telephoned the Seascape number and Miss Smith gives this account of what occurred...*
[Court Document page 180]

At approximately 2.10pm on Sunday the 28th of April 1996, I left the ABC in Hobart and headed towards Port Arthur with a camera crew after hearing of a shooting incident in that area...
When I made the phone call from my mobile phone to the Seascape property, it was between 2.30pm and 2.40pm.
[Sworn Statement: Alison Smith 7th May 1996]

Alison Smith phones Seascape: Suddenly One Sunday version.
But at about 2.10 p.m., two ambulances raced past...
She rang ambulance headquarters to check. There had been a shooting at Port Arthur...
It was ***between 2.20 and 2.30 p.m.*** *Smith and the cameraman were near Copping. The number took some time to answer...*
Smith heard laughter as if she had interrupted someone in the middle of a joke...
[Suddenly One Sunday page 101]

Alison Smith phones Seascape: The Mercury December 31 1996
Ms Smith, 26, a journalist with ABC-TV, was working in Hobart on April 28, the day that Bryant killed 35 people at Port Arthur.
She saw a fleet of ambulances passing the ABC roundabout, and after a call to the Tasmanian Ambulance Service, took a camera crew and headed for Port Arthur, making calls on a mobile phone as she went.

The fleet of Ambulances leaves at 2.30pm.
At about ***1430*** *the State Helicopter Rescue Service's 'Squirrel' departed for the scene with two paramedics on board.*
It was followed five minutes later by another 'Squirrel' with a further three Paramedics and medical supplies aboard.
Simultaneously three road Ambulances *and a station wagon with a combination of Permanent Officers and experienced Volunteer Officers was dispatched to the Scene.*
[EMA The Ambulance Perspective page 31]

While Port Arthur is one and a half hours drive from Hobart via a narrow road which transverses hilly countryside the site is only 12-14 minutes from Hobart by helicopter.
[EMA The Ambulance Perspective page 34]

Over the period 1650 to 1744, a further six patients arrived by road ambulance.
[EMA Royal Hobart Hospital Victim Management page 52]

That indicates a round trip with a maximum journey time of 2 hours and 20 minutes.

"Do you know if he is okay?"
"I know." When he said that, I thought and expected the male person to say, "Do you want to speak to him." I believed at that moment that Paul had been taken hostage by the male person. I also realised at that point that the caller was legitimate, I didn't think it was a prank call at that point.
When the male said, "I know", my reaction was to put my hand to my mouth, I felt like I would collapse to the floor, I felt like I was screaming inside, I felt as though I was in shock.
I stood there for a few seconds, trying to remain calm. The male then spoke again saying, "Playing with yourself are we?"
This last comment was said in a different speech tone, in that it was said in a joking fashion. At the end of the last comment there was a "Huh" or a sigh type of noise.
[Sworn Statement: Merran Craig 8th May 1996]

Hawaiian Holiday
A quite mysterious conversation with the negotiator is the one that went...

Mc Carthy, *How's things going in there, mate?*
Jamie, *Fine. Couldn't be better, just like on a Hawaiian holiday.*
Mc Carthy, *Hawaiian Holiday?*
Jamie, *Yes, that's correct sir.*
Mc Carthy, *Oh, sorry. I don't understand what you mean by that.*
Jamie, *Uh, I don't know myself!*
This strange comment is probably best summed up by Sgt Mc Carthy's earlier comment that he felt as though *the man was almost playing a script.*
What Sgt Mc Carthy would not have known is that Hawaii is not listed on Martin Bryant's past travel itinerary.

The gunman was shooting at the emergency helicopters.
When holed up in a house after driving 5 Km from the original shooting site, he began firing at helicopters taking victims to hospital.
[The Launceston Examiner 29th April 1996]

Constable Pat Allen observed the Helicopters from Seascape.
I remember that one stage I was having a rest, and I was on my back looking up at the sky and I said to Gary: This is really a lovely place down here.
And then there were all these shots over the top and I said to Gary that I'd always wanted to visit Beirut.
There were helicopters all around; you couldn't see the choppers, but they were going back and forth all night and it must have been like what it was in Vietnam.
[The Mercury 26th November 1996]

Travel arrangements for myself and my two police officers changed at 1655 when we were advised that air travel in the region of Port Arthur was being jeopardised by continued shooting and that the area had still not been rendered safe by the police.
Whereas a helicopter trip would have taken in the vicinity of eighteen to twenty minutes, the drive by car was in excess of one hour.
[EMA papers: Coroner's Responsibilities]

Why do the facts not correspond?
If Alison Smith left Hobart shortly after 2pm, how does she see the fleet of Ambulances passing the ABC roundabout, when according to the official line from the EMA Papers, under the report on The Ambulance Perspective, we are given the departure time of the ambulance fleet as being 1430, or 2.30 p.m., could this time given have been in error.

The conversation between Jamie and Alison Smith.
I made a series of phone calls to businesses in the area to obtain some more information about the incident. I eventually located a number for the Seascape Guesthouse and I phoned the number. A male person answered the phone and I said, "Hello, hello?", the male was laughing hysterically, and I again said "Hello".
I then asked this person if I had the right number for Seascape, and he laughed again before saying "Yes". I said " Who am I speaking to?", and he laughed again and said, "Well, you can call me Jamie".
I then said "It's the ABC calling, what's happening?", he then replied "What's happening?, what's happening is I'm having lots of fun....but I really need a shower...and if you try to call me again I'll shoot the hostage".

I could hear him breathing into the phone for the next few seconds and then it cut out. I then got the camera crew to stop the car, and I called the police from a public phone. I then recounted the conversation and gave the police the phone number I'd rung and told them the place I had called.
When I made the phone call from my mobile phone to the Seascape property, it was between 2.30pm and 2.40pm. It was a bad line and I couldn't hear any back ground noises or voices
[Sworn Statement: Alison Smith 7th May 1996]

I'll shoot the hostage! Here is an admission that there is only one hostage alive, subsequent conversations with the negotiator, Sergeant Terry McCarthy, infer that there are still three hostages left alive.

Jamie phones the Nubeena Police Station at 3:08PM.
At 3.08 p.m. a phone call was made to the Nubeena Police Station residence.
Merran Craig, the girlfriend of Constable Paul Hyland, answered the telephone, the caller was a male person who spoke in a very calm voice.
Immediately after the call Miss Craig made notes of the conversation that occurred.

At 3.08pm on that day, I answered a telephone call at the residence. Immediately after that phone call, I made notes of the conversation that occurred over the phone. The notes are as follows:-

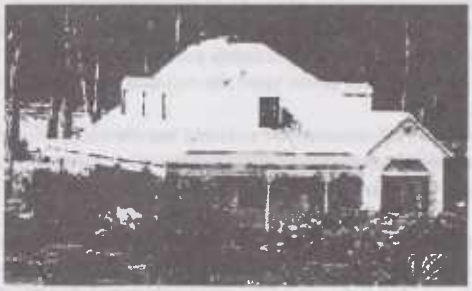
"Am I speaking with the policeman's ---- ?" (couldn't hear what the person said because our dog Mishka began barking)
"Is that your dogs barking? Heh?"
"Do you know where your husband is?"
"Having fun at Port Arthur is he?"
I then said, "Who is this?"
The male person replied, "Jamie, you can just call me Jamie"

The police believed there were two gunmen on site.
Realising that there was a major problem for the helicopters carrying patients, police, and reporters in the vicinity of Port Arthur and Seascape, the Police surrounding the Seascape Cottage would have been anxious for an opportunity to take out the gunman.

Your Honour, those initial shots fired in the direction of Constables Whittle and Allen constituted Counts 69 and 70 on the indictment, the charges of aggravated assault. Constables Whittle and Allen remained in the culvert until approximately nine o'clock that night when they were joined by two members of the Special Operations Group and were subsequently evacuated from that point at about 11.00 p.m. by crawling along the ditch, a distance of about two hundred metres. During their time in the culvert a large number of shots were fired in their general direction from several different weapons. As well as his own firearms Bryant now had access to a considerable number of firearms owned by members of the Martin family. And a bullet that struck Constable Whittle's vehicle, a close-up view of that at Photograph 352, was later determined by ballistics evidence to have been fired from an SKK semi-automatic rifle.
[Court Document page 176]

This incident appears to have been one such opportunity, coming on dusk, a radio conversation took place between one of the SOG marksmen, and Constable Pat Allen who was lying underneath a police car at the front of the Seascape driveway.

Constable Pat Allen gave the following account from his point of view.
I stuck my head up and it was shot at, Allen said. *I only did it once.*
It was coming towards dark and someone on the radio said that they'd seen him on the roof and they needed to identify him.
They needed to ID him so they could kill him if they had to.
They gave me the option to stick my head up and I did.
I went to have a look under the wheels, to have a look at Seascape to see if I could see him and a shot went through the bumper bar and bounced somewhere on the road.
He knew where we were.
[The Mercury 26th November 1996]



The Seascape Cottage.

To set the scene here, the Seascape Cottage had upper storey windows that would not permit overhead shooting at the helicopters, whereas the outbuilding had a flat roof at the rear which would have given the gunman full coverage of the sky overhead.
Pat Allen would not have been observable from this rear location, but obviously the SOG marksman had the gunman in his sights.
The police marksman required to see the man shoot at someone before he could identify him as the suspect, thus the radio message to Constable Allen asked him to lift his head up from below the car, surprisingly, a bullet struck the car immediately, and yet the SOG sniper did not identify and shoot the suspect, why, because the suspect on the roof did not move or shoot!
The shot came from within Seascape, not from the gunman under observation, and the only way the shooter could know that Pat Allen was going to move, was if he was listening to the radio conversation

Therefore it was now realised that there were two gunmen on site, one on the roof of the outlying building, and one situated within the Seascape Cottage, this incident is possibly connected to the Police request at 1715 where VICPOL were contacted for assistance, and four minutes later at 1719 when the National Crisis Centre was contacted.

Obviously the resources of Tamania's finest were capable of containing a lone gunman, but now that it was suspected that there were two or more gunmen or terrorists on site, it was a more serious incident that would now require additional personnel.

By late afternoon of 28 April it became apparent that the Tasmania Police Special Operations group would not be able to adequately deal with the situation.
[EMA papers page 29]

The elusive Night Scope.
The following dialogue between Sgt Mc Carthy and Jamie was not reported in it's entirety in the book, Suddenly One Sunday by Mike Bingham, nor was it reported accurately on Current Affair. The Night Scope is not reported as having been found in the area afterwards, it obviously was not attached to either of the recovered murder weapons, and it was not reported as having been attached, or missing, from any of the weapons from Seascape, why was it not found.

Ed. I have inserted with underlines the dialogue that has been removed from what the public have been privy. It seems that the possession of the Night Scope was to be withheld from public knowledge.

A Current Affair.
McCarthy, *Jamie*?
Jamie, O*kay, hello, how are you*?
McCarthy, *I'm very well thanks Jamie. Yourself*?
Jamie, *Well, I'm well up to now. The past few 20 seconds. What I've actually found out man, is that one of your boys is right outside, northeast I'd say, with an infra-red scope.* ***I've got one up here that I've found from this persons own um property he's shining right towards me if he doesn't leave*** *Would you just ask him to move on*?
McCarthy, *Right, we 'll do that, we 'll do that now.*

Jamie, *Cause he's going to shoot, he's trying to shoot, he's going to shoot* ***your main man.***
McCarthy, *No, I can guarantee.*
Jamie, *I'll blow this, umm this you know, you know what's going to happen.*
McCarthy, *I don't want to see anyone hurt, alright.*
Jamie, *You just move him on.*
McCarthy, *Okay, I'm organising that now. I can also assure you that it's not our intention to hurt you or see anybody else hurt, okay.*
Jamie, *Right.* ***If that light, I mean I've got one here would you like me to name the sort, I'll just get the um infra red of this blokes.....Inaudible***

Ed. Other references that followed about the scope.

Jamie: Good, good, good, good. Um now the name of this scope is a laser scope, laser devices now it's the same sort of red dot I've noticed so can you ask your mm young man to move on.
Jamie: Really, But can you actually ask him to move because I can see him in the dark.
Jamie: I'll tell you what, it's colliding with one infra red scope to another I mean this man I've had plenty of experience with guns and scopes is he if he wants to die it's up to him if he.

Conversations between Jamie and the police negotiator.
According to the court transcript, the police hostage negotiator made contact with Bryant on seven separate occasions via the telephone.
This is extremely misleading, there are indeed seven separate conversations in the section of the Crown Papers, but, the first call was not after 4.30 pm as inferred, it was between 3.20 and 3.30pm, so there are a minimum of eight calls, and possibly more.
Further, the transcript lists 3.45 (1545) as the tape commencement, so was there another phone call following the 3.20pm one, commencing at 3.45pm to initiate the tape recording, why would they have been withheld from the Court.

When the calls started and ended.
Finally, McCarthy got through at 3.20pm and spoke to the man, who identified himself as Jamie, for about ten minutes.
[Suddenly One Sunday page 109]

Dialogue with Bryant commenced at approximately 1545 and the telephone line between the negotiators and the building was isolated at approximately 1600.
Negotiations continued from the MIR until approximately 2130 when the line went dead. It was later confirmed that Bryant had been using a portable telephone and the batteries had apparently run out.
[EMA Papers page 9, 10]

Seven calls.
During the afternoon of the 28th of April police managed to contact Bryant by telephone and by about 4.30 p.m. Telstra had established a secure telephone line permitting a member of the Police Hostage Negotiation Team to communicate directly by telephone with Bryant. From that time until about 9.30 p.m. when the

telephone link failed, due probably to Bryant leaving the Seascape portable telephone off its charging cradle, the police hostage negotiator made contact with Bryant on seven separate occasions. A transcript of the conversations which were recorded is contained for your Honour's reference at pages 43 to 99 of volume 2 of the Crown papers.
[Court Document page 183]
This statement only covers calls from 4.30 until 9.30pm, it ignores the calls made at 3.20pm and 3.45pm.

Six calls.
Backed by other team members, plus a Hobart psychiatrist, Ian Sale, and the police psychologist Mike Ryan, McCarthy had six separate conversations with the man.
[Suddenly One Sunday page 115]

Fifty seven calls.
The following excerpt from the Mercury relating to Sergeant Terry McCarthy being "the man on the phone", cannot be correct, 57 calls, that is the same number as there are pages of transcript, as later recorded in the Crown Papers from page 43 to 99 inclusive.

From 3pm, when he made the first contact, until 9.37pm, when the phone went dead, he spent more than 2 ½ hours negotiating with Bryant, making 57 telephone calls to the Seascape Cottage where Bryant was holed up.
[The Mercury 26th November 1996]

Not the first call.
The first call according to the transcript, contains the following clues to a previous conversation.
McCarthy, *Um, I said we'd ring back at about 5 o'clock.*
McCarthy, *Now, we only had a brief conversation before, an and um, I just want to clarify that everything that I got down before is right, alright.*
There is no available record of the first call, can that be because there may be some illegality in the recorded call/calls that took place before the line was secured.

There is additional evidence that there was a previous conversation that the Court has not been privy to.

Tierney, *And your first contact with Martin Bryant, what was that?*
Dr Sale, *Well, the first contact was the indirect contact, through being with the police negotiators, during the siege, and there were some conversations between police officers and Bryant in the house. Well there were some unusual conversations while he was at Seascape, which I listened into. The striking thing down there was that when you are present at most siege events, the individuals are extremely aroused, extremely angry and they curse and they swear, and they're often intoxicated as well. With Bryant, it was quite different. He was polite, almost meticulously civil at times. No signs of arousal in his voice at all, and at times it reached almost, well a silliness. For example there was an occasion when inadvertently, an ABC journalist had phoned Seascape, apparently looking for accommodation, and this had obviously irritated him, because* ***the next time he was on the phone to the negotiator****, he chided us,*

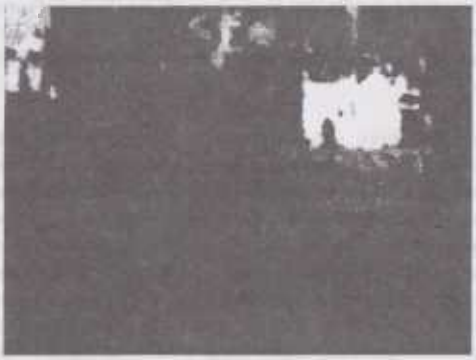
chastised us, and it was almost as if we were being told off by our Primary School teacher.
[Stateline Interview November 1996]

Claims that the portable phone was the only one at Seascape.
It was reported that negotiations broke down during the night when the battery in the portable phone went flat, and that this was the only telephone in the cottage.
[EMA page 5]
Ed. This would be an unbelievable oversight for a guesthouse to only have one phone, and only a portable one at that.

A lull between 4 and 6AM.
The siege continued throughout the night and apart from a lull between the hours of 4 a.m. and 6 a.m. on the 29th April, firearms were discharged in various directions from the upper floor of the residence.

At 0730 on 29 April, several SOG members heard the offender shout from the Seascape cottage, "Come on, come on", or "Come in, come in", which indicated that the offender was enticing police to storm the building.
[EMA page 9]

The burning of Seascape.
At about 7.45 a.m. on the 29th April, smoke was observed to be coming from an upper storey window of the "Seascape" cottage on the side of the building facing Long Bay. Within minutes large flames were fairly visible in the window and ammunition could be heard exploding as the fire progressed.
By 7.55 a.m. the fire had taken hold at ground level. At that time an SOG officer, positioned at approximately one hundred and seventy metres to the west of the Seascape Cottage, observed movement at the ground floor door, and at about 8 a.m. several more shots were heard.
By 8.15 a.m. the majority of the cottage was ablaze, apart from the northern side and the south-west corner at ground level.



Bryant outside the burning Seascape.

Martin Bryant emerges from the flames.
At about 8.25 a.m. Bryant, wearing dark clothing which appeared to be on fire in the back region, was seen moving away from the south-west corner of the cottage. He disappeared from sight of the observing SOG officers for a short time before re-appearing, naked and staggering for a little way before dropping to his knees.
The police rapidly moved in and placed Bryant under arrest and he and two escorting police officers were subsequently conveyed to the Royal Hobart Hospital by ambulance.
Whose dark clothing would Bryant be wearing, being a short person and slim in build, I wonder whether the clothing was a good fit, did he realise beforehand that he would be embarking on an extended siege to follow the shooting, where he would possibly think to pack a change of clothing, and specifically dark clothing for night time concealment!

Is there some connection here between the attire of Martin Bryant during the journey, and at Port Arthur, with what he was wearing when apprehended, and the clothing found in the Prince Bag left behind at the Broad Arrow, the clothing that was not tendered to the Court, that had no relevance according to the DPP.

Your Honour, the bag was left by Bryant in the café after he departed and I would tender that, along with a towel which was found to be in it. There was also some clothing but I won't tender that, your Honour, the Crown places no relevance on that. There was a towel, a hunting knife – sash cord rope in two lengths.
[Court Document page 76]

This conversation took place in the rear of the ambulance when Bryant was being conveyed to hospital, one must wonder about his confusion, to apparently believe that his girlfriend was at Seascape with him.
Ambulance officer: *What's your name?*
Bryant: *Martin Bryant... What's the point of all this?*
Ambulance officer: *I preserve life, Martin. Have you been drinking alcohol?*
Bryant: *A bit, it hurts. I want to get out of here.*
Bryant: *Where is she?*
Scott: *Who?*
Bryant: *Petra, Petra did she get out of the fire? Petra's my girlfriend. We always stick together.*
Scott: *Was Petra in the fire*?
Bryant: *Yes, she was in the house.*
Bryant made further comments, but his speech was incoherent.
[Statement: Constable James Scott]

Again, there is insufficient information in the public domain to know the full facts of what really occurred at Seascape during the Siege.

CHAPTER 21 ISLE OF THE DEAD.

No, no, not here.
Anthony Nightingale.

The small island off Port Arthur, originally called Opossum Island, was selected as a burial place by the Rev. John Manton in 1833. Between that time and the closure of the penal settlement in 1877 some 1000 burials took place on the Isle of the Dead. The vast majority of these were convicts and ex-convict paupers who were buried in mostly unmarked graves on the lower part of the island. The graves of free people were on the higher part of the island and marked by sometimes elaborate headstones cut by the convict stonemasons.
[Port Arthur Historic Site]

Isle of the Dead.

Was the Broad Arrow Café meant to be the primary target, it is quite possible that the real target was meant to be the *Ferry Bundeena* that transports 120 tourists to the *Isle of the Dead.*
Was the *Daewoo Shotgun* meant for this purpose, it was never used, and it was left behind in the Volvo, it obviously was not considered a requirement for the following siege at Seascape. Possibly the petrol and firelighters also formed part of the preparations for the Ferry Wharf.

Indications of the gunman's intent.
On the way to Port Arthur, the gunman stopped to speak with two persons whose vehicle had overheated just beyond the Seascape property, he chatted to them briefly and was asked whether he was going surfing.
The reply was *No, I'm going to the **Isle of the Dead** to get rid of some WASPS.*
He then suggested that they meet later at the café at Port Arthur when he said, *You can shout me a cup of coffee.*
[Court Document pages 67,68]

And then we have the explanation of how the gunman went to some effort to park the Volvo near the Ferry Jetty.

Your Honour, Bryant then drove down Jetty Road towards the carpark near the broad Arrow café, and in due course we will make available some plans of the area so that a geographic orientation can be achieved but I won't do that at the moment.
At about 1.25 p.m. the security manager at the site, Mr. Ian Kingston, was directing people in the carpark when he saw Bryant, who indicated that he wanted to park his

vehicle near the water's edge. Mr Kingston directed him away from that area because it is normally reserved for campervans and the carpark area was quite busy that day. Bryant became argumentative but drove off in his car and parked it near the information centre. Mr Kingston attended other matters and then later noticed that Bryant had moved his car back to the water's edge. He saw Bryant alight from the car carrying a bag, a sport's type bag, a video camera, and he then walked towards the Broad arrow café. It is the Crown's case that that bag that he then had with him contained the AR15 semi-automatic rifle and ammunition and it was the bag which he had previously measured, which I've referred to. At this stage, Mr Kingston didn't take any further notice of Bryant.
[Court Document page 71]

The Ferry target is reinforced by the Assistant Commissioner of the Tasmania Police Mr. Luppo Prins.
This was the biggest single homicide by an individual in the history of the world. It's just so sad that it's happened in Tasmania.
The potential was even worse. At one stage we thought he was trying to get on a boat which a lot of people were on, to go to the ***Isle of the Dead.***
Had he got on the vessel he could have shot everybody on board so the potential was there for it to be a lot worse than it was
[The Mercury 31st December 1996]

Also worth pondering is the statement of Anthony Nightingale who was seated alone in the Broad Arrow, he was the 4th person killed in the Café, when the shooting commenced he stood up and exclaimed *No, no, not here.*
What a peculiar thing to say, *not here*, could it be possible that Mr Nightingale had a premonition of the event, I doubt it, otherwise he would not even be on site.
Was he very familiar with another recent massacre, such as Dunblane, perhaps that explanation is more plausible.

One thing is very sure, if the *M.L.Bundena* had been the target, then all the people in the Café would have been some 60 metres from the carnage, as spectators rather than victims.

At table No. 8 a visitor to this State, Mr. Anthony Nightingale, was seated by himself facing towards Bryant, so in other words he was looking in a northerly direction. From the evidence of one of the witnesses in the café who survived, Mr. Nightingale stood up when the shooting started and called out "No, no, not here", he was then shot, a single shot to the neck area causing fatal injuries with extensive damage to the larynx, thyroid larynx complex and the cervical spine. The path of travel of that bullet was downwards indicating that Mr. Nightingale was probably leaning forward as he was shot.
[Court Document page 83]

The Ferry could no longer be the primary target.
An event like the Port Arthur massacre required quite a lot of planning, the weaponry required, the location and preparation of the siege venue, the decoying of local Police, the response time of Hobart Police, the prior visit to Port Arthur to work out the

details of entry and escape, the most suitable target, and quite possibly the timetable of the *M.L. Bundeena.*

As far as the potential was for far more victims, it may have been quite fortunate that the original plan was brought undone, between the initial planning sortie and Sunday 28th April, seasonal change had resulted in the Bundeena going from Summer peak schedule to off peak scheduling, this occurred just two weeks prior at the end of Easter. Thus the departure of the next cruise was altered from 1.30PM to the latter time of 2.00PM

This change was most fortuitous for the people on site, it changed the possible victim statistics from about 200 at the Ferry Site, to about 60 unfortunate potential victims in the Broad Arrow.
The adherence to the 1.30 schedule of the gunman also meant that the 25 Specialist Doctors that had just concluded their weekend seminar at Royal Hobart had not yet departed for home in other States of Australia.

As it turned out, the 16/22 person Mortuary Ambulance became a highly valued possession at Port Arthur, if the Ferry plan had eventuated, one can only wonder at how much more valued this oddity would have become.

Also present was a Chevrolet truck to the chassis of which Mr Charlton had attached a refrigerated covered compartment capable of storing sixteen bodies. This vehicle had, in the past, been regarded by many as an expensive aberration that would never have a use.
At Port Arthur it was a highly prized possession. One cannot overlook that the road between Hobart and Port Arthur is narrow, undulating, and about one hundred kilometres long.
[EMA: Coroner's Responsibilities at Port Arthur page 90]

This is one area where only the perpetrator may have all the answers.

Nevertheless, a very intriguing puzzle for the probing expertise of a Royal Commission.

CHAPTER 22
LEGAL PROCEEDINGS.

If we do not maintain Justice,
Justice will not maintain us.
Francis Bacon

Following Martin Bryant's arrest and detainment at Royal Hobart Hospital, a number of legal processes were invoked. While these processes were of course carried out within letter of the law, due process of legal matters does not necessarily mean the same thing as applying Justice. One must also consider whether moral rights have been addressed, whether truths have been suppressed for expediency, and whether the defence has pursued all avenues for mitigation.

I do not see that Justice was fairly applied to Martin Bryant, considering that he was never given the right to defend himself by trial. And because a Coronial Inquest was never held, the details pertaining to the cause of death of the hostages at Seascape, and the seven victims that were trapped by the faulty door in the Café, will never be fully understood.

It also appears that his defenders never investigated the possibility of innocence, that more effort went into achieving a plea of guilt, than went into investigating the many anomalies that cast serious doubt on the case of the prosecution.

Included in the anomaly list must also be the Interrogation of Martin Bryant, every facet from the lack of representation, to the strangely cobbled together video recording of that interview, where the Court was told of the video recording problems, and the related problems of the separate audio backup with its 80 <inaudible> insertions.

Custody remanding on May 1st

Martin Bryant was remanded in custody to appear in Hobart Magistrates Court on 22nd May, Bryant was formally charged at a bedside court hearing before magistrate Mr Peter Dixon, he was represented by Legal Aid lawyer, Ms Debra Rigby, during the five-minute hearing at 11.05am.

Bryant was formally charged with the murder of a 21-year-old Western Australian woman, Kate Elizabeth Scott.

[Source: The Age 1st May 1996]

Murder charge on May 22nd

Martin Bryant will face court again today in a brief appearance via video link from his prison hospital bed.

He will appear on screen in Hobart's Magistrates Court before Mr Michael Hill at 9.15am, being charged with the murder of Kate Elizabeth Scott, 21, from Balga, Western Australia, one of the 35 people killed in last month's massacre at Port Arthur. Bryant will be seated in a wheelchair during the hearing as he is still unable to walk after sustaining serious burns three weeks ago.

A spokesman for the Tasmanian Attorney-General, Mr Groom, said Mr Bryant would be moved from his prison cell a short way down a corridor to the video-equipped prison room.

The hearing is largely a formality. Under Tasmanian law, remanded suspects must appear before a court every 28 days.

In the court, there were just six people in the public gallery.
At the bar table were the Crown counsel, Mr Nick Perks, and the defence counsel, Mr Phillip Zeeman, from the Bryant family lawyers, Gunson, Pickard and Hann.
Mr Hill announced that the date for Mr Bryant's next appearance would be 18th June in the same court.
[Source: The Age 22nd May 1996]

Re-indictment to the Supreme Court on June 14th
Proceedings against the man accused over the Port Arthur killings, Mr Martin Bryant, have been shifted to a higher court in Tasmania , limiting his appearances until the case is heard, the reason was to *avoid security and other logistical problems,* therefore he has been re-indicted in the Supreme Court.

The state's director of public prosecutions, Mr Damian Bugg, was granted orders for the ex officio indictment in the absence of Mr Bryant, who is on remand in a secure unit at Risdon prison.
Mr Bugg gave an assurance the step would not deprive Mr Bryant of any of his pre-trial rights, and defence counsel backed the move.

Mr Bugg said the Supreme Court would not require Mr Bryant's attendance for some formal appearances, and was not restricted to the periodic remands requiring regular appearances in the lower court.
Mr Justice Underwood issued the orders by consent, remanding Mr Bryant in custody to 9th September.
[Source: The Age 14th June 1996]

Ex-officio Indictment on July 5th
A total of 69 new criminal charges were filed against Mr Bryant in the Hobart Supreme Court, among the new murder counts, Mr Bryant has been charged with the deaths of Nanette Patricia Mikac, and her daughters Madeline, 3, and Alanna, 6, who were killed on the roadway going from the Port Arthur historic site to the toll booth on 28 April.
Mr Bryant, 29, of the Hobart suburb of New Town, had already been charged with murdering Kate Elizabeth Scott, 21, of Western Australia.
Included in the 70 charges now laid by the Department of Public Prosecutions against Mr Bryant are 19 counts of attempted murder. There are also five counts of aggravated assault on people who were shot at, but not hit.
The indictment lists the charges chronologically, beginning at the Broad Arrow Cafe, where 20 people died. It continues in the car park of the former convict colony, on a roadway to the park toll booth, outside at a service station, and finally near, and at, the Seascape Guest House.
Mr Bryant's case has been remanded to 9 September, when spring sittings begin in the Tasmanian Supreme Court. Mr Bugg will conduct the prosecution, but no trial judge has yet been chosen.
Mr Bryant's defence counsel, Mr David Gunson, has agreed to a hearing next week to remand him formally on the full indictment. The accused will not be at the hearing, following a decision by both sides to limit his appearances for security and logistical reasons.

The filing of the indictment follows an investigation by 22 police in a special taskforce that in recent weeks took them across Australia. A total of 576 witness statements were collected.
[Source: The Age 6th July 1996]

Remand to appear in the Supreme Court on September 9th
Martin Bryant was scheduled to appear before the Tasmanian Supreme Court in Hobart on 30 September to plead to 70 charges, including 35 of murder, laid against him over the Port Arthur shootings.
The directive by the Chief Justice Mr William Cox indicated that Mr Bryant would be present in the court, legal sources said.
[Source: The Age 10th September 1996]

Remand hearing on September 30th
Prisoner at the bar, you stand charged by the name of Martin Bryant with a first count, that of murder. Contrary to section 158 of the Criminal Code in that you, at Port Arthur in Tasmania, on the 28th day of April, 1996, or the 29th day of April, 1996, murdered David Martin.
How say you? Are you guilty or not guilty?
Hands clasped in front of him, the prisoner tilted his head back, paused a second as the court waited, and said in a soft voice: *Not guilty.*
Save for a few sharply drawn breaths, court seven of the Tasmanian Supreme Court was quiet. Next door a murmur ran through court eight, in which an overflow of reporters watched proceedings on television.
Ms Kim McLagan, associate to Chief Justice William Cox, read the second charge.
Not guilty.
Martin Bryant repeated the plea 70 more times as 72 charges against him, including 35 of murder, were read out.
The faint hint of challenge in his voice that marked his first response disappeared; he clearly and coolly repeated the words.

The charges were read in the order in which the crimes were alleged to have occurred.

THE CHARGES.
Alleged Port Arthur gunman Martin Bryant, 29, today pleaded not guilty to all of the charges put to him in the Tasmanian Supreme Court. They were:
1. Murder of David Martin.
2. Murder of Noelene Joyce Martin.
3. Murder of Moh Yee William Ng.
4. Murder of Sou Leng Chung.
5. Attempted murder of Michael Robert Sargent.
6. Murder of Kate Elizabeth Scott.
7. Murder of Anthony Nightingale.
8. Murder of Kevin Vincent Sharp.
9. Murder of Walter John Bennett.
10. Murder of Raymond John Sharp.
11. Causing grievous bodily harm to Gerald Pounds Broome.
12. Wounding John Graeme Fidler.
13. Wounding Gaye Jeanette Fidler.

14. Murder of Andrew Bruce Mills.
15. Murder of Tony Vadilelu (Vadilelu) Kistan.
16. Wounding Thelma Walker.
17. Wounding Pamela Kathleen Law.
18. Wounding Patricia Gwen Barker.
19. Wounding Dennis Olson.
20. Murder of Mervyn John Howard.
21. Attempted murder of Graham Derek Collyer.
22. Murder of Mary Elizabeth Howard.
23. Murder of Sarah Kate Loughton.
24. Attempted murder of Carolyn Anne Loughton.
25. Attempted murder of Robert John Elliott.
26. Murder of Nicole Louise Burgess.
27. Murder of Elizabeth Jayne Howard.
28. Murder of Leslie Dennis Lever.
29. Murder of Gwenda Joan Neander.
30. Wounding of Peter David Crosswell.
31. Murder of Jason Bernard Winter.
32. Murder of Ronald Noel Jary.
33. Murder of Peter Brenton Nash.
34. Murder of Pauline Virjeana Masters.
35. Attempted murder of Ashley John Law.
36. Murder of Royce William Thompson.
37. Murder of Winifred Joyce Aplin.
38. Attempted murder of Brigid Ann Cook.
39. Wounding of Yvonne Lockley.
40. Attempted murder of Douglas Ivan Hutchison.
41. Attempted murder of Denise Heather Cromer OR aggravated assault of Denise Heather Cromer.
42. Murder of Janette Kathleen Quin.
43. Attempted murder of James Balasko.
44. Attempted murder of Rodney Alfred Horrocks.
45. Attempted murder of Dennis John Nudd.
46. Attempted murder of Pamela Faye Sloane.
47. Murder of Elva Rhonda Gaylard.
48. Attempted murder of Gordon Howard Francis.
49. Attempted murder of Neville Quin.
50. Murder of Nanette Patricia Mikac.
51. Murder of Madeline Grace Mikac.
52. Murder of Alanna Louise Mikac.
53. Murder of Robert Salzmann.
54. Murder of Russell James Pollard.
55. Murder of Helene Maria Salzmann.
56. Murder of Mary Rose Nixon.
57. Attempted murder of Graham Peter Sutherland.
58. Aggravated assault of Stephanie Sutherland.
59. Murder of Zoe Anne Hall.
60. Attempted murder of John Douglas Rooke.
61. Attempted murder of Linda Marie White.

62. Attempted murder of Michael Gerard Wanders.
63. Causing grievous bodily harm to Linda Marie White.
64. Aggravated assault of Anne Elizabeth Wardle, Mary Lorraine Warburton, Sylvia Grace Riley and Joyce Ann Maloney.
65. Attempted murder of Douglas Eric Horne.
66. Attempted murder of Caroline Susan Mary Williams.
67. Causing grievous bodily harm to Simon Roger Williams.
68. Unlawfully setting fire to a motor vehicle belonging to Sidney Kenneth and Mary Rose Nixon.
69. Aggravated assault of Patrick James Allen.
70. Aggravated assault of Garry Thomas Whittle.
71. Murder of Glenn Roy Pears.
72. Arson of the dwelling Seascape, the property of David and Noelene Martin.
[Source: The Age 1st October 1996]

David Gunson steps down on October 1st
Mr David Gunson stepped down as Martin Bryant's lawyer, another Hobart lawyer, Mr John Avery, confirmed that he was weighing up whether to take over the brief, and said Mr Gunson had decided to leave the case, Mr Gunson refused to comment

Mr Gunson acted for Mr Bryant in his Supreme Court appearances when Bryant pleaded not guilty to 72 charges relating to the 28 April shootings.
Mr Avery said a decision would have to be reached by Friday. The case is listed for mention then before the Chief Justice, Justice William Cox, for a procedural hearing without Mr Bryant.

Outside the court, Mr Avery said the trial would at this stage proceed in November on the basis of the not-guilty plea.
But he added: *In a criminal trial, as everyone knows, anything's open to change. At this stage, there's no indication of that being likely to change, but in criminal trials, one never knows.* [The Age 5th October 1996]

Pre-Trial discussion announced on October 30/31
The man charged with the Port Arthur killings, Mr Martin Bryant, is to return to the Tasmanian Supreme Court ahead of his scheduled trial date for a hearing to discuss the trial process.
A mention hearing of the case on 7 November, before the Chief Justice, Justice William Cox, was announced by the court unexpectedly yesterday. A statement was later released by the director of public prosecutions, Mr Damian Bugg, QC.
Mr Bugg said pre-trial discussions such as these were a normal step in a case of such magnitude, and were discussed with Justice Cox at the last mention of the case.
"It is appropriate that these discussions, which will involve the trial process, should take place in the presence of Mr Bryant," Mr Bugg said.
"No other indication can or will be given as to the nature of these discussions. Issues affecting the trial process can only be discussed with the Chief Justice."

A spokesman for the Law Society of Tasmania, Mr David Porter, QC, said pre-trial discussions usually revolved around attempts to limit the length of the case.

"They often include formal admissions on matters such as the identity of the deceased and pathological evidence," he said.
[Source: The Age 31st October 1996]

Bryant changes his plea to guilty on November 7th
Survivors of the Port Arthur massacre will be spared the ordeal of a drawn-out court case after Martin Bryant reversed his pleas, admitting guilt on all charges arising from the shootings.
He will return to court on 19 November for a brief hearing of the prosecution's case and a plea of mitigation before being sentenced.
His counsel, Mr John Avery, who was appointed after the first defence lawyer quit after the lodging of the not guilty pleas, declined to say why his client had changed his mind.
"All I can say is that we've been doing a lot of talking over the last few weeks, and I am gratified as to the fact the right decision's now been made," Mr Avery said outside the court.
There was no question of any further change of plea. "The plea has been entered. He has accepted his guilt."
The change means there will now be no need for prosecutors to recount in harrowing detail the shooting rampage in and around the Port Arthur historic site on 28 April, in which 35 people died before Mr Bryant's arrest the next day as he fled a burning guesthouse.
Yesterday he pleaded guilty to 35 counts of murder, another 20 of attempted murder, eight of wounding, five of aggravated assault, three of causing grievous bodily harm, one of arson, and one of unlawfully setting fire to property.
The change of plea removes an option for Mr Bryant to argue that he is not guilty on the grounds of diminished responsibility through insanity.
Mr Avery refused to comment on his client's mental state: "That may be subject to discussion at a later time."
Officials of the Port Arthur tourist area scheduled a media conference after the hearing but cancelled it when the Chief Justice, Mr William Cox, issued a warning against the premature publication of untested accounts or opinions before the case was over.
[Source: The Age 8th November 1996]

Plea change aftermath on November 8th
Martin Bryant's mother and his lawyer played key roles in the surprise decision of the Port Arthur gunman to change his pleas.
During visits to the gunman in prison, Bryant's mother, Carleen, pleaded with him to relieve the suffering of others by changing his plea to guilty.
But it was in meetings with Bryant's new defence counsel, Mr John Avery, that the 29-year-old gunman finally accepted he could not put a substantial defence to the 72 charges he faced - in particular, that no psychiatric evidence could be obtained to aid a not guilty plea.
According to independent sources, Bryant's guilty pleas on Thursday climaxed a harrowing six weeks, in which he kept wavering between his initial not guilty plea, and his eventual admission of guilt, which brought relief to survivors and potential witnesses around the country.

Mr Avery, the replacement counsel, has declined to comment on reasons for the change of mind, other than to say it involved lengthy discussions, and it was Bryant's own decision.
But it is believed that at the time he pleaded not guilty, Bryant took the view that it was up to the courts to prove his guilt, and not up to him to admit it. Over the next four weeks, as Mr Avery repeatedly visited Hobart's Risdon prison for conferences, his client gradually came to realise denials of guilt were not defensible.
[Source: The Age 9th November 1996]

Parliament introduces a special asset stripping bill for Bryant's property.
The House of Assembly has rushed through a bill providing for the assets of criminals convicted of some violent crimes to be seized and distributed to victims.
The bill will apply retrospectively from the time of introduction to Parliament, ensuring Mr Bryant's case will be covered.
[Source: The Age 15th November 1996]

The Sentencing Trial November 19th & 20th
Martin Bryant appeared to laugh aggressively as he murdered 12 people in 15 seconds at the start of his shooting rampage at Port Arthur, the Tasmanian Supreme Court heard yesterday.
Tasmania's chief prosecutor described in extensive, chilling detail how 35 people were slaughtered by Bryant at the tourist site on 28 April this year.
The court, which is expected to sentence Bryant on Friday, heard tape recordings of terrified tourists caught in the rampage, and the sound of Bryant's rapid gunfire on two amateur video soundtracks tendered as evidence.
Bryant appeared in court yesterday with a new short haircut, and held a fixed smile through most of the proceedings.
The court heard that firing began at the Broad Arrow Cafe soon after 1.30pm on 28 April, and 20 of Bryant's victims died within two minutes.
The increasing terror of tourists could be heard on the soundtracks of the amateur videos, including an American tourist who cried out: "There's somebody going crazy shooting people here!"
Within about 20 minutes Bryant had shot all but one of his victims, a hostage in the Seascape Guest House about one kilometre from Port Arthur's gates, where Bryant was arrested next day.
[Source: The Age 20th November 1996]

Bryant fires Barrister John Avery on November 24th
The Port Arthur gunman, Martin Bryant, has fired his trial barrister, Mr John Avery, without explanation.
Mr Avery successfully obtained Bryant's trust and maintained it through a change of plea that was welcomed by victims and the community. He also guided Bryant through the sentencing hearing.
In a brief media release yesterday, Mr Avery reproduced a signed note from Bryant, which read: "From this day 24-11-96 Martin Bryant requests I no longer require my lawyer's services." Mr Avery said he received the note on Wednesday and tried to see Bryant on Thursday at Risdon Prison to discuss it. He was not successful and could not clarify Bryant's reasons.
[Source: The Age 30th November 1996]

Bryant's assets are seized by special legislation on the 3rd December 1996
Tasmania's director of public prosecutions, Mr Damian Bugg, QC, moved to seize Martin Bryant's assets to help meet expected multi-million-dollar claims over the Port Arthur shootings.
Mr Bugg expects to return to the Supreme Court this week using new legislation to take Bryant's lawful assets, conservatively worth more than $900,000.
Trustees who have controlled the Bryant estate for three years are moving to sell the largest asset - an interest in the Tattersall's fortune, worth up to $750,000, by tender closing today.

In an application lodged with the court and addressed to Bryant and Perpetual Trustees Tasmania, Mr Bugg sought a forfeiture order under the new Criminal Injuries Compensation Amendment Act.

The affidavit detailed Bryant's assets, including the house where he lived, worth $180,000, two cars, commercial real estate, paintings and a share in the estate of his father.
But his main asset is a 1/1400th share in the estate of Tattersall's founder, George Adams..
[Source: The Age 3rd December 1996]

Bryant's Counsel consents to the forfeiture order on Friday, 6 December 1996
Bryant, imprisoned for the term of his natural life over the 28 April shootings, did not appear in court yesterday but was represented by his first counsel, Mr David Gunson.
Mr Gunson told Justice William Zeeman that Bryant consented to the forfeiture order.
"There is no opposition to the making of such orders as your honor considers appropriate," he said.
[Source: The Age 6th December 1996]

Injustice rather than fair and impartial Justice.
It is never too late to correct any legal wrongdoing, the very fabric of society is at risk here.

CHAPTER 23
TRIAL BY MEDIA.

Only one man captured him on Video.
Ray Martin.

The power of the Media and their control over public perception is indeed immense. At Port Arthur the Media played a major role from day one, it would seem that the time honoured duty and role of Journalists in reporting factual news, has long since succumbed to sensationalism and the interest of vested groups.

The James Balasko video.

It was an tourist James Balasko from New Jersey, bravely managed to capture footage of the gunman with his video camera, other tourists also got some glimpses of the gunman as well, but the Balasko footage is the only one with reasonable detail.

Interestingly, this unique video was not discovered by the Port Arthur Task Force when they interviewed Mr Balasko on the 29th November 1996, nor was it discovered by the time that the Task Force concluded their investigations on the 16th August 1996, it was not until August 1st 1996, when the New Jersey Police took a Sworn Statement from James Balasko, that details of the videotape came to light.

This overseas interview was prompted by a request from the Tasmanian Police, one can only wonder as to what prompted the very late request.

Footage taken by James Balasko was shown on Australian Television during November 1996, strangely though, there is also some unsourced footage shown that proves that James Balasko is the author.

Cynthia Zahorcak and James Balasko.

A Current Affair 20th November 1996.

One particularly intriguing aspect of the Media's involvement has to be the footage shown on television during 1996.

It may have looked very incriminating to see video of the gunman as he strode around Port Arthur, it certainly must have convinced one and all to see footage of the killer leaving the Broad Arrow, strolling down towards the buses, and moving about the bus

area while he returned to the Volvo, especially as the whole world was told that this was Martin Bryant as he went about slaughtering innocent people wholesale, but in actual fact, most of the footage that purports to be the gunman, is nothing of the kind, it is simply odd pieces of innocent footage, shown with the power of suggestion, coupled with some real footage, and over dubbed with actual gunshots and related comments.

There was a Current Affair program shown on the evening of the 20th November, the date that the Court concluded hearing the details of the Sentencing Hearing.
This program was really shown mid trial, because Judge William Cox deliberated until the 22nd with his sentencing verdict.

Ray Martin: *First up tonight, Martin Bryant, the Port Arthur killer. He's back in jail tonight awaiting sentence, that fate will be decided on Friday morning.*
But, in Hobart Supreme Court, which is just across the lawn here, Bryant's lawyer this afternoon conceded, and I quote, That his client now accepts that he will never be released from prison, that he will die in jail, and Bryant also accepts that this is an appropriate penalty.
Those of us who have been in the Courtroom over the past couple of days have not only heard a graphic account of that massacre down at Port Arthur, but we have also seen part of it, on home videos that were taken by tourists who suddenly found themselves in the middle of this horror story.
In these exclusive tapes, you won't see the killing, but you will hear what went on, what you'll hear, what the Court heard, and remember, nearly every shot that you hear, has someone being killed or being badly wounded.

With that introduction, a piece of video footage is then shown, it is a scene taken in the car park where the buses are parked.
The video commences with a view of the ground, just as a gunshot rings out, this is obviously when James Balasko first turns his camera on.
It sweeps the bus area, showing some victims running for cover, and then targets the gunman beyond the front of the bus, capturing him at the rear of the Volvo

Balasko is then interviewed by Ray Martin, and some more of his footage is shown, the following comments are on the video, *There's somebody gone crazy shooting people here, there he is, he's over there, I can't believe it.*
Continuing footage shows a zoom towards the gunman at the rear of the Volvo, *That's the guy right there.* Another shot rings out.
Balasko narrates, *I felt that if I could see where the man was, then I would be OK.*
So long as I saw him shooting, and what he was doing, I would be comfortable, so I stood behind this camper, and I got up and I looked, I realised at that time I had my video camera in my hand, so I turned it on.

A view of the Broad Arrow area is then shown, and some earlier home video of Balasko's, then the Wilkinson video is screened that captured the sound of the first gunshots.
From all these video tapes, police now estimate that Bryant fired 17 shots in just 15 seconds inside the Café.

Next, a very interesting series of video clips are shown, first is a view of the car park and the Café area taken from a distant viewpoint in the ruins, possibly from the Commandant's Cottage area, strangely, there is a person in front of the lens wearing a blue over vest, somewhat like a road worker or a security guard may wear, this same vantage point is the source of more footage during the forthcoming Sunday Current Affair.

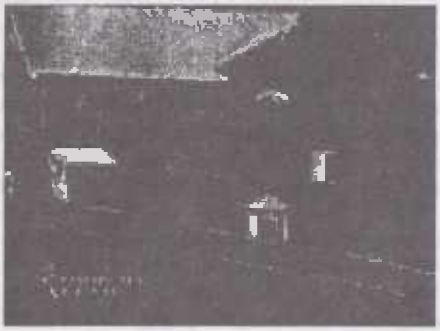
Then there is a cropped video close up of the gunman getting into the Volvo.

James Balasko narrates again, *You know, were still standing there, like dumbfounded, and I saw the man walk out of the Café, and I'm still standing there looking at him, he walked right by me, not far away from me, he walked out of there as casual as can be.*

In the very next instant, the Current Affair viewers are now shown another video, immediately following this detailed explanation by James Balasko of how the gunman casually leaves the Café, this particular video shows a man running down from the Café towards the bus area.

There is no doubt that the audience are meant to connect this running man with the footage taken by James Balasko!

As the video commences a woman's voice says, *That's a shotgun.*
The running man does not leave from the Café, he is first shown some metres from the verandah, there are three people standing quite nonchalantly on the verandah, leaning on posts, smoking cigarettes, and certainly not in fear of their lives.
There is then a final comment in a woman's voice, *See that man running there.*



Not the Port Arthur gunman.

It is patently obvious that this is after the event, the running man is actually running blankets down to the survivors, his attire is nothing like that of the real gunman in the Balasko video.
The gunman is long gone, so how can the woman's comments relate to the happenings shown, one can only assume that the clip has been presented to convey the impression that James Balasko took the footage.

Following the screening of this amazing footage that was shown to all of Australia on the 20th November, this running man video was never shown again, even in the one hour special four days later, *The Inside Story*, that shows the real Balasko video a number of times.
Such a piece of footage would have been very pertinent to the Port Arthur Special, but only if it had been genuine, because it was buried and never shown again, certainly indicates it was far from authentic.

At the end of the program, a scene of the slaughter area is shown with a soundtrack of the initial shooting, it is shot from over the top of the Broad Arrow, with the buses and distant ruins also in the grab.

James Balasko then adds his final comment, *When he walked out of there, he didn't run out, he wasn't perspiring, he wasn't nervous about a thing.*
He walked out of there very casually with the gun in one hand, as if he had done this before, I will never forget that.

The unsourced videos.
There are three separate scenarios that are shown to all of Australia during the Current Affair specials, they are presented without any specific credits being given, but two of them are presented with the inferral that they have been filmed by James Balasko, and that the Port Arthur gunman has been captured in these videos.
This is certainly not so, the person or persons depicted in the videos are dressed differently.
And, understand that all the videos that I refer to, are shot from the same vantage point, that is, distant from the Café, possibly from beyond the Penitentiary ruins.
Two segments show the same uniformed man on the left of the lens.

Segment 1.
This one is shown during the Current Affair program shown on the evening after the Court completed the Sentencing Hearing, this was the 20th November 1996.
It is simply a panorama of the foreshore area including the buses, car park, and the Broad Arrow Café.
There is a person at the left of the camera lens watching the proceedings, he is wearing a blue over vest.
The next two segments are taken from the same remote location.

Segment 2.
This segment is also from the 20th November presentation of Current Affair, it follows an interview with James Balasko, and leads the viewer to assume that Balasko has supplied this footage.
It shows a man running down the road from the Broad Arrow, towards the buses, he has a bundle in his right arm and hand, the video camera has already been zoomed in, and the shaky pan indicates that the camera is hand held.
The clothing worn by the runner is not the clothing of the gunman, he has a light coloured top, with dark trousers and dark shoes, unlike the real gunman who wore a dark top, with light coloured jeans, and light coloured sneakers.
Actually, this is a man carrying blankets down to the survivors, it occurs after the gunman has departed, but the viewers are not told any of this.

A closer look at this video actually shows something incredible, it shows three people standing very nonchalantly on the Broad Arrow verandah, smoking cigarettes and leaning on the verandah posts, they are certainly not in fear of their life.

Segment 3.
This scene commences with a camera shot taken through the window of ruins at an elevated vantage point, at the left of the camera lens is the man wearing a blue over vest, such as road workers or police on point duty may wear.
The Broad Arrow is quite remote in the distance, then, there is a gunshot, and the camera zooms in until the Broad Arrow Café fills the frame perfectly without having to reposition the camera, then a man runs across the balcony.

The camera zooms out, and then back in again, a male voice says, *That's a shotgun.*
Strange, one would normally say, *Someone is shooting a gun here on the site.*

The person has the incorrect clothing on, he has a light coloured top with dark pants, and he is wearing white shoes, again, the wrong attire for the gunman.

One would have to ask who is the person in uniform beside the camera, why was the operator watching the Broad Arrow with the zoom pre positioned, and why does the man exit from the wrong set of steps.

Could this be one of the male persons that escaped from the Café as the shooting started, James Balasko stated, *It was at this time that I heard what sounded like a gunshot, I didn't actually think it was a gunshot. I heard some more shots, still not really knowing what they were, I then saw a man run out of the coffee shop, I still didn't think anything of it.*
Another man ran out of the shop, and then a woman came out saying, There's a man shooting people in there.
Soon after this a man came walking out carrying a big military type rifle.

If this man depicted in the video, running across the verandah, was actually one of the people that Balasko described, and why of course would anyone other than someone in fear of life be running out of the Café, then it certainly begs the question, why was this amazing footage not explained.
And why was the author not attributed with such a miraculous portrayal of the shooting, the clarity of the gunshots was very evident, and the big question that then arises must be, why does the footage then stop, the camera could have captured each and every shot within the Café, and from such a long range away, could have then safely captured each and every shot and murder once the gunman emerged from the Café.
If this footage was actually captured, it would enable most of the carnage to be exactly reconstructed, it would be far more valuable and important than the Balasko video, the only Videos mentioned in the Court Document are James Balasko's, the Wilkinson's, Barry Turner's, Ian McLeod's, the existence of another video that depicts anyone running across the Broad Arrow verandah would have been of the utmost importance to the Court.
And, if Channel 9 possessed the footage, why would the Task Force have not gathered it into evidence.

A Current Affair 24th November 1996.
Within the Current Affair Special, *Port Arthur - The Inside Story*, we are informed by Ray Martin that, *Hundreds of people would see Martin Bryant that day, moving callously through the historic site, but only one man captured him on Video, the American tourist James Balasko.*
With that comment, one could surely assume that we were about to see that footage as just mentioned, and that we would not be viewing any footage that would be falsely represented as being the genuine thing.

The man of the moment, James Balasko, rightly gets a lot of air play, here he explains about his near miss, *At some point he saw me shooting or videotaping, because I was sticking out like this behind the camper, at the back of the camper.*
And through the viewfinder I could see him take aim at me with his gun, and umm, I just dropped to the ground, you know you can see that on film.
At that moment you can hear the shot that he shot over my head loud and clear.

Shown in conjunction with this footage that we are told was shot on the day, is the scene previously described as Segment 3, filmed from the vantage point of the ruins that are remote from the Broad Arrow, it would appear that the camera is tripod mounted, and centered on the Café in preparation for the first zoom view.
Considering that we have been told that ***only one man captured him on Video,*** we can then assume that any footage shown purporting to show the gunman at Port Arthur is actually from the Balasko Video.

But, from the Sworn Statement, and from the multitude of interviews of James Balasko, we can be very sure that he did not capture any video until the gunman had left the Café area, and was operating in the bus area of the car park, footage of the Broad Arrow and the verandah could not possibly be taken by Balasko, the only man reported as capturing the gunman on video.

As outlined in the chapter entitled *The Public Perception,* the guilt of Martin Bryant was made evident by the Media, even before he had been charged with the first murder count, his picture had been distributed all around Tasmania, where he should stand trial, this was some weeks before most eyewitnesses would view the Identity Board to identify Bryant.

His picture had been retouched by one Newspaper to make his eyes look somewhat evil, and despite threats and knowledge of subjudice, the Media machine simply persevered with it's own style of justice.

Clare Street break in.
The Media can enjoy no kudos from the following example of illegal zeal for a scoop, and the front page picture that was published in Tasmania, the same state as the crime, left no doubt about the guilt of Martin Bryant, despite the use of the word, ***allegedly***.
On the Tuesday morning the public were greeted by the front page of the Mercury newspaper that showed a picture of Martin Bryant claiming, "This is the man!"
The effect of this was to receive a barrage of calls from the media all claiming foul!
And how I had favoured the local paper by providing them with a picture of Martin Bryant.

With my heart in my mouth I raced to the MIR and with relief found that none of the photographs we had, corresponded with the one in the Mercury. It certainly hadn't come from us!
Later that morning I received a phone call from an employee of the Mercury who described with disgust how three staff members had distracted the Constable on duty outside Bryant's house while one of them broke in to steal the photograph.
An outraged Director of Public Prosecutions is yet to finalise proceedings against the Editor for subjudice and contempt.
[EMA : Media Management page 122]

This is but a small portion of the extensive article that describes the Clare Street residence, it is within the same paper where the large photo of Bryant adorns the front page.
This is the house where the man allegedly responsible for the Port Arthur massacre lived. From the street it offers no clues as to the identity of its inhabitant.
But Stuart Potter and Sue Bailey report that on closer examination it reveals some details of Martin Bryant's lifestyle.
An automatic weapon and a plastic bag full of large calibre bullets lay scattered in the hall of Martin Bryant's large New Town house.
[The Mercury 30th April page 4]

Garry Linnell of *The Bulletin* interviewed John Avery three years after the event. The six page article gave an insight into Martin Bryant's life and apparent comments made inside Risdon Prison.
Linnell's preface included the following comments, this set the scene for Avery's second meeting with Bryant on the 3rd October 1996.
Avery has two main tasks. With the case set to go to trial the following month, he has to begin the process of convincing Bryant that he should plead guilty to killing 35 people, saving the state from enduring a farcical, drawn-out circus that will do no one any good. And he must also help his client understand he will never leave this place.
[The Bulletin: Inside the gothic world of Martin Bryant. 4th May 1999]

A rather unfortunate choice of words, indicating further the intent of not defending Martin Bryant against any of the charges facing him. The Media must have placed tremendous peer pressure on one and all to declare Bryant's apparent guilt!

Society must never permit the Media to determine a persons innocence or guilt. Right or wrong should only be determined from within the Justice system, an honest and impartial system where twelve fellow citizens will tilt the scales according to the facts, unswayed by the vested whims of a Media conglomerate.

CHAPTER 24
HOW SECURE WAS THE EVIDENCE.

Four hostile newspapers are more to be feared than a thousand bayonets.
Napoleon Bonaparte

Newspapers and the Broadcast Media shaped public opinion from day one of Port Arthur. The frenzy whipped up by their spin doctors saw to it that Martin Bryant would be found responsible for every facet of the massacre, that he was the lone gunman responsible for the carnage, that he alone planned the murders, and that he had a grudge with the Martins, and with the Port Arthur site.
All this before he had even been charged with any offences, it would appear that the same cavalier efforts also applied with footage that was used as evidence, and thus classified as secure until the conclusion of the court proceedings.

On the 6th May a Task Force of 25 was formed with investigators of detective and uniformed police to fully investigate all aspects of the Port Arthur massacre.
Overall command was given to Superintendent Jack Johnston, with Detective Inspectors Warren and Paine assisting.

On the 16th August the Task Force completed their investigation with a total cost of $700,000 including salaries.

It was stated that security of the evidence was maintained until conclusion of the court proceedings on November 22nd 1996, and that the Task Force interviewed 865 witnesses, and obtained 1055 statements, they also examined all media articles in preparation of their prosecution file.

Mr Richard McCreadie, Commissioner of Police explained about security of the evidence file, *This security was maintained until the completion of the investigation, and the conclusion of the court proceedings, and it is interesting to note that not one allegation of leaked information was attributed to the task force.*
[EMA page 12]

One could possibly surmise that security of evidence could be waived once Martin Bryant had entered his guilty pleas on November 7th.
But, according to Mr McCreadie, the security was maintained until the conclusion of the court proceedings, and that would be up to the 22nd November, the day that Justice Cox delivered Bryant's sentence.

What did he mean when he stated, *not one allegation of leaked information was attributed to the task force,* was he inferring that there were indeed leaks, but someone else had done the deed.

If security was required to be maintained until the conclusion of the Sentencing Hearing, then any videos shown to the public before the 22nd November would surely be in breach of evidence. The hearing commenced on Tuesday 19th of November

1996, resumed the next day, and adjourned until Friday the 22nd when the Judge concluded with the sentencing of Martin Bryant.

And yet the Current Affair program that aired on Wednesday the 20th showed videos that were part of the Crown Evidence, and no doubt the video technicians would have required some time to prepare the footage, and of course the original owner of each clip would have to be approached for permission to screen.

I would venture that people at Channel 9 were privy to the exclusive footage well before the Court even had a chance to view the evidence.

The Current Affair program of the 20th November 1996 was prefaced with these words from Ray Martin, *Those of us who have been in the courtroom over the last couple of days have not only heard a graphic account of that massacre down at Port Arthur, but we have also seen part of it, on home videos that have been taken by tourists who suddenly found themselves in the middle of this horror story.*
In these ***exclusive tapes*** *you won't see the killing, but you will hear what went on, what, you'll hear what the court heard.*

Then the viewer is shown a portion of James Balasko's video where the gunman is at the rear of the Volvo, next is an interview with Balasko interspersed with footage taken on the day including the Wilkinson video which was also included in the Crown evidence.

James Balasko, *You know we're still standing there like dumbfounded, and I saw the man walk out of the café, and I'm still standing there looking at him, he walked right by me, not far away, he walked out of there as casual as can be.*

With those words uttered from James Balasko the viewer is then shown a video of a man running away from the Broad Arrow Café, the man has a bundle under his right arm, a female voice states, *That's a shotgun,* he runs out of view behind the buses, the voice then says, *See that man running.*

So, not only has Current Affair shown ***secure evidence*** from the sentencing hearing that will be secure until the conclusion on Friday 22nd, but it has misrepresented a latter video of a man running to help victims with a bundle of blankets.

It appears that Channel 9 did indeed have exclusive footage. If the Police really did keep what they had secure, then how did Current Affair get possession of it. Why did they have exclusive use of it, and who leaked it to them, and was this done in contempt of the Court?

CHAPTER 25
TIMING DISCREPANCIES.

Accuracy of statement is one of the first elements of truth;
inaccuracy is a near kin to falsehood.
Tryon Edwards

It is important to be able to reconstruct a major crime in some detail. Every opportunity should be taken to corroborate the details with testimony, facts, and a good measure of logical thinking, thus it can be learnt exactly what has transpired
While eyewitnesses have possibly given differing versions of what they believe they saw, to reporters, to friends, and to the police in their statements, some eyewitnesses stand out in their ability to transcribe what actually occurred. NSW Policeman Justin Noble was one such eyewitness, not surprising I guess, that a trained police officer should be able to give an accurate account.

The key timing discrepancies occur in relation to the murder of the Martins, Martin Bryant's visit to Roger Larner, then the arrival at Port Arthur, and the timing of the shooting within the Broad Arrow Café, that is, the time that the shooting commenced.

Some errors made by the prosecution give a totally different slant on what has occurred, and while it is realised that Bryant had already pleaded guilty before the Sentencing Hearing, nonetheless it is important that inferred proofs of guilt, or any hypothesis, can be fully understood by any person reading the Court Proceedings afterwards.

Here, we have some incredible discrepancies in times given for certain events, and some confusion over what actually happened, or what could have happened. Accuracy in reporting of events at Port Arthur is paramount, any errors introduced into a sequence of events will ultimately compound, thus resulting in nonsense rather than a factual accounting of what has really transpired.

Murder of David and Sally Martin.
We know that Martin Bryant left his Hobart residence at 9.50am, and that the journey to Port Arthur is 97 kilometres over a winding road with a number of towns along the way, combining this knowledge with eyewitness statements of what he did along the way, gives us enough facts to know the earliest arrival time at Seascape.
Realising that his arrival time must have been approximately 11.30am, and that Andrew Simmons heard 2 shots at about 11am, and knowing that Mr Simmons was waiting for a car to collect him before that time, we can be sure of the accuracy of his time given, so we must ask who fired those two shots in the vicinity of Seascape while Bryant was at least a half hour distant.

The time given by the DPP relating to Doug McCutcheon's reporting of earlier volleys of shots, is deserving of much scrutiny, to learn that Damian Bugg gives the time of ***about twelve o'clock to twelve thirty***, and then to discover that McCutcheon's statement discloses nothing of the kind, that in fact it states, ***sometime between***

10.00am and possibly 11.00am, reveals that the Crown has been rather remiss with the facts.
And learning further, that Doug McCutcheon heard the same sounding weapon later at 1.30pm, leaves no doubt that we are talking about the murder weapons, and confirms the accuracy of Mr McCutcheon's testimony.

The visit to Roger Larner as told by Ray Martin.

During the Current Affair Special shown on Channel 9 on the 24th November following the Sentencing Trial, Ray Martin explains that Martin Bryant paid a visit to Roger Larner on Palmers Lookout Rd, and that he arrived around **12.30**pm.

The visit to Roger Larner as told by Mike Bingham.

We are told in 'Suddenly One Sunday by Mike Bingham, that the Larner's broke their long standing routine of having lunch at one o'clock because their visiting grandson was fractious and hungry.
Therefore they ate lunch an hour early on that Sunday, we are then told that Roger Larner left his back door at **exactly one o'clock** before driving the hundred metres to his stockyards down the road. When he arrived, a yellow Volvo approached with lights flashing and horn tooting, the driver got out and walked over to Mr Larner, a ten minute conversation ensued before Martin drove off down the road
We are told that Roger Larner then went about doing chores before putting his utility away in the shed, and then as he walked in through the garden gate, that he heard shooting.

The visit to Roger Larner as told by Damian Bugg.

The prosecution deliberated long and hard on the visit to Mr Larner in quite some detail, and with much emphasis on the importance to the case against Martin Bryant.
It was claimed by Damian Bugg that Bryant had killed the Martins approximately one half hour prior to this visit.

Mr Bugg gives no time references at all for this important facet of the visit to Roger Larner, other than to tell the Court that Bryant left Seascape shortly after 12.35pm. [Court Document page 67] to travel towards Port Arthur where he stopped at a broken down car and purchased marijuana, from there he is reputed to have travelled past Port Arthur and down Palmer's Lookout Road to visit Roger Larner.
We are told that Bryant then travelled back from Palmer's Lookout Road to the entrance to the historic site.

Bryant then travelled back from Palmer's Lookout Road to the entrance to the historic site. His vehicle was observed entering the site by tourists following him and he was also seen by a member of the historic site staff operating the toll booth on that day. That person estimates that at approximately 1.10 to 1.15 p.m. she observed a yellow Volvo sedan in a line of vehicles waiting to enter the site.
[Court Document page 70]

At about 12.05pm on Sunday the 28th April 1996, my wife Jo-Anne and I had lunch at the Fox & Hound Restaurant, we would have been there for about one hour, before leaving to go to the Port Arthur Site.
I was driving a rental car and not knowing the area, I missed the turn off to the site and continued until the first opportunity to turn. I came to a t-junction and decided to

turn there, I pulled over against the kerb, and as I did so I saw a yellow Volvo sedan with the surfboards on top, with one male driver...
He pulled onto the highway and drove past us heading towards the Port Arthur entrance.
[Sworn Statement: James Dutton 28th April 1996]

The visit to Roger Larner as told by Roger Larner.
At about 1.05pm today, Sunday the 28th of April 1996, I left my premises in my ute, and travelled about 100 metres towards the main road. As I pulled into the stockyard area, I saw a yellow Volvo sedan 244GI driving past along Palmers Lookout Road.
The vehicle sounded it's horn and stopped. The vehicle had one surfboard on the roof of it.
The driver then alighted from the vehicle, and started to walk towards me, I then said, "Who's that", he replied, "Martin", I then said, "I didn't recognise you".
At that stage I recognised him to be a person that I have known for about 15 years, and that is Martin Bryant.
[Sworn Statement: Roger Larner 28th April 1996]

Which one is correct, all, some, or none, and how often would a member of the public say, that someone *alighted* from a vehicle.
Only the Ray Martin version, gives an early enough arrival time on site at Port Arthur to complete the string of events prior to the shooting, and that version seems to conflict with the arrival time as recounted by the Duttons.

The arrival of Bryant's Volvo at Port Arthur according to Damian Bugg.
The Tasmanian DPP, Mr Damian Bugg QC, gives the following account of Bryant's arrival at Port Arthur...
His vehicle was observed entering the site by tourists following him and he was also seen by a member of the historic site staff operating the toll booth on that day ***That person estimates*** *that at approximately* ***1.10 to 1.15 p.m.*** *she observed a yellow Volvo sedan in a line of vehicles waiting to enter the site. She noticed the surfboard on the roof racks and she noticed the sudden backwards movement in the vehicle whilst it was in the queue. When the vehicle arrived at the toll booth window Bryant complained that the driver in front of him had reversed without warning towards him. This witness made a full statement to police not only of Bryant's entry to the site but also of later events which occurred near the toll booth and they will be covered in detail by Mr. Perks later in this hearing.*
[Court Document page 70]
This promised statement is **never mentioned** again anywhere in the document!
Also take note that an unnamed witness has been quoted in evidence, this is commonly referred to as ***hearsay***, and is not admissible in a Court of law.

At about ***1.25 p.m.*** *the security manager at the site, Mr. Ian Kingston, was directing people in the carpark when he saw Bryant, who indicated that he wanted to park his vehicle near the water's edge. Mr Kingston directed him away from that area because it is normally reserved for campervans and the carpark area was quite busy o that day. Bryant became argumentative but drove off in his car and parked it near the information centre. Mr Kingston attended other matters and then later noticed that Bryant had moved his car back to the water's edge. He saw Bryant alight from*

the car carrying a bag, a sport's type bag, a video camera, and he then walked towards the Broad arrow café.
[Court Document page 71]

*Bryant entered the Broad Arrow café at about **1.30 p.m.** He stood at the servery and obtained food and drink, a fact which was noticed by one of the witnesses consisting of a cup of fruit juice and also a can of fruit juice. He left the café to take a seat outside and as he left the door was held open for him at his request by Mrs. Carol Pearce and Mrs. Carmel Edwards members of a party of ten who were just entering the café. Comments were made to Bryant about the size of his meal which he was taking out with him and he responded saying that he had been surfing all day. He walked on to the balcony and seated himself at one of the tables –*

But when Bryant left the café he left by the doorway which took him out onto the balcony and then seated himself at a table, on the edge of the second last table before the gap on the balcony. When he sat down at that table he commented in a rather loud voice that there were a lot of wasps about. One person who was dining on the balcony at that time, Mrs. Sullivan, said that she hadn't seen any and made a comment to that effect to Bryant.
Bryant then spoke to people at or near the table he had seated himself at and he questioned them about parking problems. Did they have any difficulty, and so on, and stated that he had had problems but that he had parked where he wanted to anyway
[Court Document pages 71, 72]

Mr. Beekman and Miss McKenna said that Bryant appeared to be talking to himself. He mentioned 'wasps' and spoke to Miss McKenna. He also said that there were not many Japanese tourists at the site that day. The couple tried to ignore him. Mr Beekman noted that he was eating his food quickly, they observed him gather up his bag, tray and other possessions and go back into the café. Mr. Beekman said that someone opened the door for him again.
[Court Document page 74]

These events from the Toll Booth to the car park, to the Information Centre, back to the car park, then walking into the Broad Arrow, queuing for lunch, taking it outside and eating, conversing, and returning into the Café, all require quite some time to carry out, in fact between 22 and 28 minutes as pointed out in chapter 13.

Later in the Court sentencing hearing, a number of videos are shown, including one taken by Mr Ian Mc Leod that shows the Volvo driving off towards the Toll Gate, this video has a date/time stamp that shows an initial time of 1.37.02 , therefore the prosecution has effectively asked anyone that may be astute enough to examine the Court evidence closely to believe that the gunman took only 7 minutes to buy lunch, go outside and eat it, talk to people, use the video camera, return to the café, spend two minutes committing the carnage in the Café, exit and fire several clearing shots, get to the car park and hunt down several people, returning to the Volvo to exchange weapons, fire some more shots, sit back in the Volvo before returning to the coach area to resume shooting, then drive off and stop to shoot the Mikac's during the filming on Mr Mc Leod's video that commences at 1.37PM.

So here we have three times given by Mr Bugg to the Court, the arrival on site time of *approximately 1.10 to 1.15 p.m.*, and the time of parking the Volvo, *about 1.25 p.m.* and the time Bryant first entered the Café, *about 1.30 p.m.*

While this information from the Court Document is based on eyewitness accounts, the events as described simply cannot be developed into a possible account of what took place. Taking the first reference, that of the arrival time at Port Arthur, we are informed that the Volvo arrives *at approximately 1.10 to 1.15 p.m.*

This may be correct, but it would not be very logical, considering that the shooting will commence in 15-20 minutes, and the car must be parked, moved, and reparked, and Bryant has yet to queue for a meal, take it outside to eat it, and then return to the Café.

Consider also the possibility that Bryant had yet to learn that the ferry timetable had been altered, and therefore had to go to plan B, the Café, consequently he had to inspect the Café and think about the plan, the people inside, and whether any person may have posed a threat.

This question of arrival time has been answered by a number of eyewitnesses, people that had good reason to know the time, and who were actually there at the time.
Ron Neander was one such person present on the day, Ron 65, and his wife Gwen 67, who was one of the victims, arrived just after noon and went into the crowded Broad Arrow Café for a meal, they ordered Lasagna and then found an empty table.

Ron Neander first spotted Martin Bryant about 1PM, he was standing in the food line and chatting amiably with the customer behind him, Mr Neander observed the huge tennis bag, *It was about 3ft 6in in length* and he thought, *Cripes, if he puts any more in this, he won't be able to carry the damn thing*.
After eating, the Neander's moved on to the annexed souvenir shop from where they heard the shooting start, Ron saw him, *Standing in the middle of the room, Rambo style...bang, bang, bang, bang, bang.*
So, according to survivor Ron Neander the gunman was there about 1pm waiting in the food line, quite different to the official line that he did not get to the Café until 1.30PM.
[WHO Magazine 13th May 1996]

And then we have the eyewitnesses Karen Jones, and Philip Milburn, who drove into the Port Arthur car park just before 1pm, Karen Jones had her attention attracted to a blond man in a yellow Volvo, *Women's instincts. You sort of check things out, he looked and I looked back and that was it.*
About half an hour later they heard the shooting commence, from the ruins they observed people screaming and running from the Café.
So here we have more eyewitnesses that confirm the gunman being on site by 1pm.
[WHO Magazine 13th May 1996

A very detailed account reported that, *Though the car park is clearly visible through the windows, none of the 50 or so people in the room would have noticed the arrival of a yellow Volvo a few minutes before 1PM.*

But Martin Bryant, the young man carrying the oversized white tennis bag, did attract some attention.
He dumped the bag at one of the few tables on the decking outside and sauntered into the café, casting his eyes around. Picking up a plastic tray, he stood quietly in the busy queue in front of the bain-marie. After considering and then rejecting some sandwiches, he chose a hot meal and walked back outside.
Again we have confirmation of events as described by the eyewitnesses, the arrival by 1PM, and the queuing for a meal before eating it outside and re-entering the Café.
[Sydney Morning Herald 4th May 1996]

In summary, there is simply insufficient reliable information to accurately pinpoint the arrival time, in my collection of 200 plus statements, I only possess one which pinpoints an exact arrival time.
We arrived at the Port Arthur Toll Gate at 12.40pm, and paid an entry fee to the historic area. This fee was paid by Mastercard, and we have retained the receipt which shows the time we entered the area.
[Sworn Statement: Jason Cole 3rd June 1996]

Shooting commencement time.
This is a very important point, that is both confused and distorted within the Court Document, however, there are a number of excellent statements that allow an approximate time to be determined.
I would favour between 1.28pm and 1.29pm, as being the commencement time. Possibly in the future, there may be found a video that captured the shots, with the time/date stamp enabled. Amazing that the Port Arthur Historic Site apparently had no video surveillance on site.

Bryant entered the Broad Arrow café at about 1.30 p.m. He stood at the servery and obtained food and drink
[Court Document page 71]

This is clearly an impossibility, but nevertheless, it is the time that the Court were told by the Crown. No allowance has been made for Bryant to get served, take his lunch outside, to eat his lunch, and walk back into the Café.

There are many accounts, eyewitnesses, and occurrences to confirm that the shooting actually commenced before 1.30pm

Just before 1.30pm and starting in the north western corner of the café, he calmly began killing people as they sat eating their lunch, or as they tried to escape.
[Dutton Report: Australian Police Journal, September 1988]

Tourists had begun gathering early for the 1.30 walking tour that Sunday, and the numbers waiting outside the information office had swelled to seventy or eighty.
As they stood amidst the crowd, waiting for their guide to appear, the Duttons heard a noise. A series of loud shots rang out.
[Suddenly One Sunday page 71]

I was in the Information Office from 1pm onwards, I was due to leave with a tour at 1.30pm.
I was on the phone at approx. 1.23pm, now from 1.23pm to 1.26pm, I has finished my phone call.
During and after the phone call, there were constant banging noises, it sounded like roofing nails being banged in the galvanised iron roof.
At that stage, a man came running out of the Broad Arrow Café tripping down the stairs, waving his arms, yelling out, "Someone has gone mad inside and shooting everyone".
[Sworn Statement: Ashley Law 30th April 1996]

At about 1.30pm, or perhaps a bit before, Cynthia and I were waiting in the area where the buses were parked, we had about half an hour to wait until we were due to go on a boat trip to the island that's down there.
It was at this time that I heard what sounded like a gunshot.
[Sworn Statement James Balasko 29th April 1996]

Whilst having lunch, both Kathryn and I observed a large number of people who were gathering at the Information Office for the 1.30pm tour of the site. My wife, Kathryn, suggested that we finish lunch and join the tour party at a later time.
About 1.28pm a number of loud noises, to me, these being what I would describe as gunshots, erupted from the eastern side of where I was seated. These shots continued and I attempted to focus on the location from where they were coming.
[Sworn Statement: Justin Noble, NSW Police. 30th April 1996]

Time that the gunman left the Broad Arrow.
There are no direct clues or statements that point to the time that the gunman departed the Café, however, the time that Ian Kingston's 000 call was recorded, combined with his Sworn Statement, gives some good pointers.

Kingston's 000 call was logged at 1335 by Police Communications, it was made after the gunman had driven off in the Volvo. According to the chapter *From the Broad Arrow to Seascape*, this would take some 4 minutes and thirty seconds after leaving the Café, thus placing the departure time somewhere in the vicinity of 1.31pm.

I saw the male come out of the restaurant, he was carrying a rifle and firing short volleys of shots in the direction of the Commandant's house, he was shooting in the direction of the buses.
He ran to the Volvo, I said to everyone I was trying to move, "Get off the grass, get out of sight." He reached into the car and appeared to get another clip of ammunition. He then walked onto one of the coaches, he fired a couple of shots before he got onto the coach, I heard shots being fired from the coach.
At this stage I was still trying to move people away to get them to safety. I noticed that it was the same bloke who I had spoke to at the intersection earlier in the yellow Volvo.
I evacuated the site, I went to the "Parsonage" to use the telephone where I rang the Police on "000". Before I got to the Parsonage, I saw the Volvo driving up Jetty Road.
[Sworn Statement: Ian Kingston 28th April 1996]

The time that the shooting lasted in the Broad Arrow Café.
The first 000 phone call was made by Wendy Scurr, it was logged at 1.32pm, this report was made mid way through the shootings, unfortunately there is no means of determining how long the shooting lasted.
While the *90 seconds to 2 minutes at the outside,* suggested by the Crown may be very much on the mark, the figure can only be arrived at with estimates, or with logic.
The people that managed to capture the gunshots on video tape, have only captured the first 25 seconds of shooting, while this accounts for the first 21 shots fired, the number of following shots is not actually known, and the rate of shooting would have slowed down once the number of initial victims became deceased.
There is no way that only 29 shots were fired in the Café,

The initial report of the Port Arthur shootings was received at the Hobart Police Radio Room at 1332 on Sunday, 28 April 1996.
[EMA Assistant Commissioner Luppo Prins page 27]

The shots were in quick succession and seemed to go on for quite a few minutes. I would estimate that there were about 30 to 35 shots, but I wasn't counting, it just seemed continual.
[Sworn Statement: Christine Sullivan 6th June 1996]

From the time I first heard the shooting inside the restaurant, until the time the gunman came outside, would be no longer than one and a half, to two minutes. The shots weren't just going off bang, bang, bang real quick, they sort of went bang, then I heard screaming, then bang...more screaming, and it just seemed to go on like that, it was like he was savouring his bullets you know.
[Sworn Statement: Michael Beekman 28th May 1996]

I would say I heard at least forty shots inside the restaurant, it was just constantly bang, then bang and on it went. Whilst it seemed like the shooting went on forever, I would say it lasted no longer than two minutes.
[Sworn Statement: Faye Richards 29th May 1996]

Whilst I was under the table, I heard about 20 to 30 gun shots. These were over a period of about 5 minutes although, I wish to state that with all the confusion and fear, it is very hard to estimate times.
[Sworn Statement: Sarah Vanderpeer 19th June 1996]

There is now a minimum of 41 shots fired by the gunman inside the Broad Arrow Café, 38 of which are calculated from the Court Document where Mr Bugg is stating facts and three others that have been ignored. Of course several people outside the Broad Arrow Café have given estimates of between 40 to 50 shots being fired inside the building. One of the two Vietnam veterans who was waiting with the tourists at the Information Centre, states that there were 20-25 rounds fired inside the café, before they were warned that there was a massacre being committed inside the café.
[Deceit and Terrorism: Andrew MacGregor]

The timing errors and omissions are unforgivable, how can one determine what has transpired with such dereliction of duty by the Crown and the Justice system.

CHAPTER 26
DID MARTIN BRYANT REALLY ACT ALONE.

Public opinion is a mysterious and invisible power, to which everything must yield. There is nothing more fickle, more vague, or more powerful; yet capricious as it is, it is nevertheless much more often true, reasonable, and just, than we imagine.
Napoleon Bonaparte

One aspect of Port Arthur that has been conveyed to the public in no uncertain terms was the message that ***a lone gunman*** was responsible. It has been hammered into the public psyche at every opportunity, I guess the phrase must have bolstered public opinion towards the unconstitutional move of National uniform gun laws.

While there is no doubt that Martin Bryant was indeed the main player in the event known as the Port Arthur massacre, it should be realised that in no way did he act alone, and that in fact, there were others involved in more than one aspect of this major blot in Australian history.

Point #1, is the matter of Martin Bryant carrying the obviously empty Prince bag into the supermarket at Sorell, unlike the many people that later reported on the struggle with the heavy Prince Bag at Port Arthur, Mr Spiros Diamantis made no such observation, and worth noting is that Bryant crouched down to select a bottle of tomato sauce, and yet there is still no comment that the bag was heavy or awkward.
Incidentally, Mr Diamantis also noted that Bryant wore light green trackpants, unlike the blue jeans worn at Port Arthur.
One can only assume that if Bryant was carrying the Prince Bag into the supermarket with no apparent difficulty, that it did not contain any weapons yet, and if Bryant did not have the guns, then somebody else did!
[Chapter: The journey to Seascape]

Point #2, is the question of the two shots being fired at 10.40am as observed by Mr Andrew Simmons, whether they were at this time or at the suggested time of *about 11am*, as told by Damian Bugg, the fact remains that Martin Bryant was just finishing his cup of coffee at Forcett, he has then to travel a further 54 kilometres to get to Taranna for his petrol purchase, his departure from here would be about 11.26am.
So obviously there was a third party or team already at Seascape, possibly to deal with the Martins and secure the Cottage.
Little wonder the Prince bag did not seem heavy during the journey if the weapons are already as Seascape.
[Chapter: Murder of the Martins]

Point #3, is the corroboration of a gunman already being at Seascape well before the possible arrival of Martin Bryant, supplied by the observation of Doug McCutcheon, a neighbour of David and Sally Martin.

Because Andrew Simmons did not report the volleys of shots, it can be assumed that this occurred after he was collected for the seminar, sometime between 10.40am and 11am.

On Sunday the 28th April 1996, sometime between 10.00am and possibly 11.00am (I'm uncertain of the time), I was outside of my house, chopping up firewood, when I heard a series of rapidly fired shots which appeared to come from the direction of Seascape.

I'd heard a similar sounding weapon before, sometime prior to Christmas, it is unusual to hear that kind of weapon, it had a pretty loud bark.

The first lot I heard were possibly 6 - 12 shots.

Following lunch, which is usually between 12 and 1pm, I went back outside and recommenced the cutting of the wood, and sometime after, between 1.30 and 2pm, I hear more shooting, the same sounding weapon, but more shots with shorter bursts.

[Sworn Statement: Doug McCutcheon 9th July 1996]

Point #4, is the mystery of who was in the vicinity that morning, with the time to drive to Saltwater River to prepare the decoy for the local police, apparently there were jars filled with soap powder left to simulate drugs.

There is no possible way that Bryant could have stretched his tight schedule to accommodate the 60 minutes for this task.

One can only assume that the early shooter at Seascape also performed this task prior to his arrival at about 10.30am.

Point #5, ponders the identity of the person that called in the false drug tip-off, to decoy the local Police towards Saltwater River, this call would have been between 12.45pm and 12.55pm.

We are told that a Mr Copping observed the Volvo approaching Port Arthur at about 12.40PM, if at this stage, Bryant is going to visit Roger Larner, then he will not have access to a telephone.

Alternatively, if he is now going into the Port Arthur site, he would certainly have the opportunity to call the police, but, the Crown case that Bryant arrived at about 1.10pm to 1.15pm would go right out the window.

It is worth noting that Bryant was not queried about this vital phone call, in fact, the matter has been quite noticeably downplayed.

Obviously someone else had to make that important phone call.

[Chapter: The journey to Seascape]

Point #6, pertains to the murder of the Martins, how was a single person able to restrain and gag two people, presumably while holding a rifle or knife, and for what purpose would Bryant have wanted to keep David Martin alive, these are questions that were never asked.

In the case of Mr David Martin and examination of the body in situ and at the subsequent post mortem revealed a cloth gag tied around the neck and covering the mouth and chin. There was appeared to be a gunshot entry wound just beneath the right ear, the wound track running downwards through the neck muscles into the chest.

A second probable gunshot exit wound was located 1.5 centimetres beneath the base of the neck. No corresponding entry wound could be located due to severe tissue destruction caused by the fire. Examination of the trachea showed no evidence of

carbon deposition and toxicology results confirmed a conclusion that Mr Martin had died as a result of two gunshot wounds inflicted by Bryant before the fire started.
[Court Document page 186]

Point #7, is the absurdity of Martin Bryant with his low IQ, and diminished learning capabilities, being able to teach and train himself to shoot like a trained soldier in close quarter combat techniques, when his only admission was to the occasional target shoot.
There was no mention at all of practise or training at a shooting range, if Bryant had attended at a range in Tasmania, then someone should and does know about it, there is absolutely no way that a person with Bryant's diminished capabilities could be self trained to the degree of skill shown in the Café.

Point #8, raises the fact that the gunman on the outlying roof was **not** the one that fired at Constable Pat Allen during the siege, thus proving the existence of an additional gunman who was obviously inside the Seascape Cottage, and who was privy to Police radio dialogue.
[Chapter Siege at Seascape]

We had two young police officers in a ditch, Constable Allan and Constable Whittle, directly in line with Seascape who were being fired on at that stage – they would remain there for the next eight hours.
There was some suggestion that there may be two suspects.
It appeared at one stage that two gunmen or some people or hostages at Seascape were exchanging gunfire with the gunmen as there appeared to be shots coming from two separate buildings.
[PASA Journal March 1997: Superintendent Barry Bennett]

Point #9, is the existence of the NightScope during the siege, the very fact that it was never recovered afterwards, nor was there a weapon recovered with a missing scope, asks the very difficult question at to whether may have been a third party that took the NightScope with them.
Keep in mind also, that references to the existence of the NightScope were removed and thus withheld from the public, was it because the Scope was never found, thus confirming it's removal by a third party, or was it because it was beyond the capabilities of Martin Bryant to have such knowledge.

Point #10, is how Martin Bryant could have had the idea, the knowledge, and the ability, to prepare the demolition round that destroyed the breech assembly of the AR15 that was found outside Seascape, the equipment required was not found at Bryant's home, the knowledge required to prepare this charge is beyond the reach of the average reloader.
And the opportunity to fire this demolition round was not apparent at Seascape, the police did not report the extra loud explosion that would have occurred, and Martin Bryant did not show any signs of hearing damage, having carried on a normal conversation in the ambulance that removed him after the siege.
The demolition round was prepared beforehand, and would require a lanyard to prevent damage to the hand of the person firing the AR15, and more than Sonic ear valves would be required to safeguard the hearing of the person involved.

Point #11, is the circumstances relating to discovery of the gun related items being found at Bryant's Clare Street residence.
The search by the police failed to locate all the evidence listed below on their initial ***extensive*** search, this suggests that a third party may have placed evidence after the event.
On the twenty-ninth of April ***and the third of May****, 1996, police conducted an extensive search of Bryant's house in Clare Street New Town. In the hallway of the residence, lying open, were two plastic gun cases, two gun cleaning kits, a third canvas gun case, together with a point two-two-three calibre Australia automatic arms self-loading rifle. Also recovered from this location was a large quantity of point three-o-eight calibre and point two-two-three calibre ammunition. I refer your Honour to photographs 448, 449, 450 and 451.*
In an upstairs bedroom, and in one of the lower front rooms, secreted in the bottom of two pianos were located two leather ammunition belts containing respectively 2 308 calibre cartridges and thirty .223 calibre cartridges together with a number of boxes of ammunition and two magazines along with several other items – and I would refer your Honour to photograph 471 which shows the inside of one piano, and 476 contents of the second piano. Your Honour, in all one thousand four hundred and ninety one .308 calibre and two hundred and forty-six .223 calibre live rounds of ammunition were seized from Bryant's home.
[Court Document pages 189, 190]

Ian Sale, psychologist, visited the Clare Street residence at 10pm on Sunday the 28th April while the siege was in progress, a number of Police were in attendance with him, all that was evident during this initial search is disclosed in the following interview.
Tierney: *Was there any evidence of ammunition or guns there?*
Sale: *There were some wrappers to firearms, and ammunition, found in a sort of scullery room.*
[Stateline Interview: Judy Tierney and Ian Sale]

One must ask the question as to why the search performed the following day failed to locate all items, requiring an additional search some five days later, and keep in mind that the security of this crime scene was knowingly breached at least once, when three journalists gained entry in the meantime.
An automatic weapon and a plastic shopping bag full of large calibre bullets lay scattered in the hall of Martin Bryant's large New Town house. Next to them are three empty rifle cases.
[The Mercury 30th April]

Hmm, Ian Sale saw no weapon on the 28th April, yet the Police and two reporters all report seeing the .223 Australia automatic arms self-loading rifle, this was on the following day, and quite conspicuously located in the hallway, further, this weapon was not one of the three admitted to by Bryant during the Interrogation.
If neither Martin Bryant nor the Police had sole access to the Clare Street residence, then the breaching of security means that any evidence collected is tainted, and therefore would not be admissible in a Court of law.

And then there is the ammunition found, we are told on the one hand that it was supplied by gun dealer Terry Hill, but on the other hand, I have been informed by a

person who worked on the Port Arthur forensics, that the half full crate of Norinco .223 ammunition have labels that read, "29997 xxxxx xxxxx antique firearms $6-00".

Point #12, looks at the extra people reported at Seascape by the Police, one could assume that the shooter heard by local residents could still be on site, possibly waiting for Bryant to return from Port Arthur.
If so, he could have been disposing of evidence in the burning BMW, keep in mind that the site will not be secured by Police for some two hours yet, ample opportunity to flee the site unseen.
Until the identity of the female running around the back yard, and the identity of the black haired male is ascertained, no one can declare that Martin Bryant acted alone, especially at Seascape ... if you like, the control centre for the massacre.

As I was moving my vehicle, I saw a person running past one of the cottages, towards the entrance of the main residence. This person appeared to have black hair, and appeared to be naked. I quickly lost sight of this person, I only had sight of this person for about two seconds.
[Statement: Constable Paul Hyland]

At one stage, saw a female running around the back yard, naked, yelling and screaming. There was a dog in the area howling and barking.
Never saw the offender at any time.
[Notes: Constable Garry Whittle]

A lone gunman at Port Arthur. Well it may not have had the cast of Ben-Hur, but it will be of no surprise if a Royal Commission discovers that six to eight people were involved on the day, not including any extraction team.
To say that Martin Bryant acted alone is an absurdity that contradicts the very facts as brought before the Court at his Sentencing Hearing.

CHAPTER 27
THE POLICE INTERROGATION, DELETIONS AND OMISSIONS.

He who asks a question is a fool for five minutes,
he who does not ask a question remains a fool forever.
Chinese Proverb

An interrogation is a means of discovering information. It is important though that the rights of the accused are protected. If conducted correctly, much can be learned or lost by asking or not asking the right questions.
The interrogation of Martin Bryant raised more questions than answers, questions about why the Interrogation was not properly recorded, why many obvious questions went unasked, and why Bryant was permitted to fend for himself with no representation, despite being mentally deficient and being under a guardianship order, and why there was no challenge to the very edited and extremely sloppy transcript that was presented to the Court. The following is an extract from an email between a Tasmanian Policeman and the author.

Now the prison interview. Well, this interview was not set up by our video section as should have been the case. Instead it was set up by our techs, and went badly wrong. The sound was almost non-existent and inaudible due to their poor positioning. I saw the original tape, and believe me, it was bloody disgraceful - that's why the defence would have had a field day if it had been presented.

If one looks at the overall performance of the Police Interrogation process as presented to the Court on the 19th November 1996, you would be quite entitled to conclude that democracy and justice have not been served.
Martin Bryant is classified as being mentally impaired, therefore a public guardian should have been appointed to protect Martin Bryant's interests, it is also required that a lawyer be appointed and present, this simply did not happen.
Keep in mind too that Martin Bryant was subject to a guardianship order by the Court in 1993, that would require that his guardian be present at all Court appearances, and at any Police interviews, one would also trust that he was always cautioned before any interview, this would have been very evident to his guardian if one had been present.

The initial attempt for an interview at 6.30pm on the 29th was unsuccessful as Bryant was then sedated.
The first successful interview took place on the 30th April when Detective Inspector John Warren, the officer in charge of the CIB within the eastern police district, interviewed Bryant in his room at the Royal Hobart Hospital.

Bryant's response to the allegation that he was responsible for the shootings at Port Arthur, was that he didn't know anything, because he was a long way from Port Arthur surfing. He also said, *I've been unjustly accused.* Bryant declined to participate in a video recorded interview, and Inspector Warren then formally arrested him for the murder of Kate Elizabeth Scott.

On Monday the 6th May, 1996, the Port Arthur Task Force was established under the overall command of Superintendent Jack Johnston with Detective Inspectors Warren and Paine maintaining control of the ongoing investigation into the events of the 28th April, 1996.

On the 4th July, 1996, after apparently obtaining the permission of Martin Bryant's then defence lawyer, Mr David Gunson, Inspectors Warren and Paine conducted an interrogation at Hobart's Risdon prison, the effects of Bryant's third degree burns were still evident, he was tethered to a wheelchair and his feet were manacled.
Warren, and Paine, two of Tasmania's most experienced detectives, questioned Martin Bryant for several hours about Port Arthur, excerpts of this video were shown in the Hobart Supreme Court during the sentencing trial.

Q. Thanks ahh, Martin, I'm Inspector Warren and that's Inspector Paine.
A. I think.
Q. And ahh.
A. I think we met, I was down at, was it, are you the same man when I was in the Royal, I was on me back.
Q. That's right, that's right.
A. And I've seen you on telly before and.
Q. Okay Martin, what we want to do is just have a talk to you about some matters.
A. Mmm.
Q. And ahh, the ahh, we, we have to caution you, that you're not obliged to answer any questions or make any ahh, comment or statement unless you really want to. Do you understand that?
A. Yeah.
Q. Ahh, 'cos anything you say is gonna be electronically recorded.
A. Mmm.
Q. And it may be given in evidence at some later time.
A. Did you get.
Q. So do you understand that?
A. Yes, did you get any, any evidence at all when I was in the Royal at all?

Bryant's last response indicates that he does not understand, what is and is not classed as evidence gathering, he has no idea of what has transpired.

Court Document ... the deletions and edits.
Your Honour, we propose to play to the court an ***edited version*** *of this interview, not because the Crown relies on any part of it- because we consider that it is important that your Honour gains a proper appreciation of the accused's ability to field questions from two experienced police officers and secondly because his response and demeanour are demonstrative of his complete lack of remorse.*

It is very difficult to take this interrogation seriously when one reads that approximately one third of the video's sound and vision are never presented to the Court. And, despite having spent $30,000 on video equipment for the earlier link from Risdon Prison to the Court, and despite being one of the most important court cases in Australian history, we are expected to accept that not only did the video recording malfunction, but that the backup audio recording also suffered the same fate.

Your Honour, if I could take you to Volume 3 of the Crown papers a transcript of that interview commences at page 19 and if I could refer your Honour to the actual page numbers of the interview I will give an indication as to which parts of the interview have been ***deleted*** *for the present purposes. Pages 1 to 9 are* ***deleted*** *in their entirety, Page 10 is* ***deleted*** *save for the last few questions and answers on that page, the interview will continue until page 17 when another* ***deletion*** *will occur at the last question and answer, the whole of page 18 is* ***deleted****, the interview recommences at page 19 and goes until page 22, page 23 is* ***deleted*** *and it commences again at page 24 –*

And continues until page 31 and the last, the background voices and answer on that page are ***deleted****. Pages 32 to 35 are* ***deleted*** *as well as the first question and answer on page 36.*

HIS HONOUR: ***Oh, right generous, that's deleted is it?***

MR PERKS: Yes your Honour.

HIS HONOUR: ***That all?***

MR PERKS: No. The interview then continues.

HIS HONOUR: That's the only ***deletion*** *on 36 though is it?*

MR PERKS: Yes. Interview then continues until page 39 when from "Warren" downwards on that page there is the ***deletion****. The whole of 40 is* ***deleted*** *and that part of the transcript above "pain" is* ***deleted*** *on page 41. The interview then continues until page 43 when all that part of the interview below the word "Warren" is* ***deleted*** *as is page 44, 45, and 46, and the first half of 47, the interview recommencing below the word "pain". The interview then continues until page 74 whereas that on page 34, that part of the interview between the words "Warren" and "pain" are* ***deleted****. The interview then recommences and continues until page 78 where there is a further* ***deletion*** *from where it says "Inspector Warren leaves the room" All of 79 is* ***deleted****, all of 80 is* ***deleted****, all of 81. The interview then recommences at page 82 through to 90.*

All of page 91 is ***deleted*** *save for the question which commences "Martin, going back to the BMW" and the fourth answer on that page "Oh, it just came to me to take - take this car – get hold of this car and take it for a drive, it just felt good."*

HIS HONOUR: ***That stays in, does it?***

MR PERKS: That stays in. The rest of that page is ***deleted****, as is the next –*

HIS HONOUR: ***So the first question and answer goes out, does it?***

MR PERKS: Yes.

HIS HONOUR: And the third and the fifth following?

*MR PERKS: Yes. Page 92 is **deleted** through to page 98.*

*HIS HONOUR: **Deleted?***

*MR PERKS: **Deleted**. And it recommences on page 98 at the word "Warren". It continues then through until 115 where there's a further **deletion** from the second "Warren" on that page and –*

HIS HONOUR: To the end of the page?

*MR PERKS: Yes, to the end of the page and the remainder of the interview is **deleted** until we reach page 142.*

*HIS HONOUR: So 116 to 141 is **out**, is it?*

*MR PERKS: Yes. It recommences at page 142 from "Paine" downwards so it's just the last two questions and answers on that page. Continues through page143, 144 and finishes at the top of 145, question "Not on this scale, no." Answer "No, suppose it happens, doesn't it." The rest of the interview is **deleted** from then onwards.*

***Your Honour, the quality of the sound and vision on this interview are not particularly good, there was some breakdown with the recording facility and the tape has been reconstructed using the audio from an audio tape which was recorded at the same time as the original video, so there is some lack of synchronisation at times and the vision is not particularly good but I would now seek your Honour's leave to have this interview played to the court.** It goes for approximately two hours and at its conclusion the learned Director of Public Prosecutions will complete the Crown presentation of facts.*

*HIS HONOUR: **Yes. You've got no submissions, I take it Mr Avery, in view of the editing and the substitution of some of the audio tape?***

*MR. AVERY: **I was not aware of it but I am not troubled by what's proposed, your Honour.***

HIS HONOUR: Yes, thank you. Is it all on the one tape, Mr Perks, or is there a gap?

MR PERKS: Yes.

RECORD OF INTERVIEW PLAYED TO COURT
[Court Document pages 191 - 194]

So, not only is one third of the interrogation not supplied to the Court, but the remainder is subject to substitution of the Audio, which in itself has no less than 80 ***inaudible*** comments.
Further, the ***defence*** was ***not troubled*** by any of this!

Matters and questions that were not discussed in the interrogation.
Perhaps it is easy to criticise with the benefit of hindsight and research, but one must really wonder why questions of the following nature were not asked.

Missing questions.
Of interest are the different clothes, or varying descriptions of apparel, that are seen by eyewitnesses. What Bryant wore during the journey from New Town, the apparel at Port Arthur, the black clothing when Bryant was captured the next day, and the clothing found in the Prince Bag left behind at the Broad Arrow.
Surely some questions are warranted here.
Q. Did you take any changes of clothing with you that day?
Q. Where did you get the change of clothing at Seascape?
Q. Did you put clothing into the Prince Bag?
Q. Do you own a pair of Nike sandshoes?

Questions about times were warranted.
Q. What time did you first arrive at Seascape?
Q. What time did you visit Roger Larner?
Q. Where did you drive to when you left Roger Larner?
Q. How many times did you drive by Port Arthur that Sunday?
Q. What time was it when you drove by Port Arthur?

Seascape related questions could have been...
Q. Did you change clothing and footwear when you first arrived at Seascape?
Q. Did you hear any gunshots after you first arrived at Seascape?
Q. How many phones are there at Seascape?
Q. Did you use the telephone while you were at Seascape?
Q. Who was the person with dark hair, outside, running naked?

Bryant apparently purchased some Marijuana from a girl at a broken down vehicle outside Seascape, he paid $50 for it and said he would meet them at Port Arthur for a coffee.
Q. Did you stop to help anyone in a broken down car?
Q. Do you know much about fixing motor cars?
Q. Did those people have any drugs for sale?
Q. Did you arrange to meet anyone at Port Arthur?
Q. Did you see any marijuana on the day?

A series of questions relating to events at Port Arthur might have proved interesting.
Q. Where do you normally keep your passport?
Q. What is your passport number? (It was quoted during the siege.)
Q. What did you have for lunch on that Sunday?
Q. How did the window of your Volvo get broken?
Q. Did you see any Asian people that Sunday?
Q. Did anybody stare at you that Sunday? (Mick Sargent)
Q. Can you catch a bus to Port Arthur?

And then we have the possible intended target, the Ferry Bundeena, as indicated by a number of comments pertaining to the Isle of the Dead. Also indicated by the efforts to park near the ferry terminal, and yet there are no questions asked on this matter like...
Q. Have you ever been to the Isle of the Dead?
Q. Did you tell anyone that you were going to the Isle of the Dead?
Q. What time does the ferry leave for the Isle of the Dead?
Q. Did you know that the ferry timetable was altered shortly before April 28th?
Q. Do you know how to set petrol alight safely?
Q. What advantage is a shotgun over a rifle?

Because *Jamie* answered the phone when Alison Smith of the ABC phoned Seascape on Sunday afternoon, and because *Jamie* had several conversations with Police negotiator Sgt Mc Carthy during the siege, and because *Jamie* also phoned the Nubeena Police Station with full knowledge of Constable Paul Hyland and his girlfriend Merran Craig; I find it incredulous that the only question asked about Jamie was...
Q. Do you know anyone called Jamie?
A. No, not at all.

Why were there no more questions about Jamie, like...
Q. Have you ever called yourself Jamie?
Q. Was there anyone else at Seascape other than the hostages and yourself?
Q. Do you know Merran Craig?
Q. Do you know Constable Paul Hyland?
Q. Do you have a grudge against any policemen?

And why were there no questions about shooting at helicopters during the siege, this is why the gunman was on the roof of the outbuilding, the obvious queries would be...
Q. Have you ever been in a helicopter?
Q. Could you see helicopters from within Seascape Cottage?
Q. Did you climb upon a roof to look at the helicopters?
Q. Did you see any helicopters fly over Seascape?
Q. Did anyone shoot at any helicopters?

There is also no mention of the Scanner/Radio that was used to monitor police transmissions during the siege, the bullet fired at Constable Pat Allen was in response to a radio communication.
Q. Do you know what a radio scanner is, or looks like?
Q. Do you own any special radios or a radio scanner?
Q. Have you ever listened in on police radio transmissions?
Q. Was there a radio scanner at Seascape?
Q. How did you know the frequencies that Police radio operates on?

Some extra questions about shooting were warranted.
He was asked, *Where did you use these guns, did you practise shooting,* and, *Did you ever go shooting with anyone else in the bush or anything like that?*
Q. How do you protect your hearing when you shoot?
Q. Do you have any hearing damage?

Q. Have you ever tried shooting a gun right handed? (He was asked about shooting from the hip)
Q. Have any of the Hobart gun dealers taken you out shooting?
Q. Have you ever been to a shooting or target range?
Q. Do you know how to reload your own bullets?
Q. Has anyone ever instructed you in combat shooting?

Some sundry questions.
Q. Did anyone else drive your Volvo that day?
Q. Would you report anyone that was dealing in drugs?
Q. Did you hear anyone mention Saltwater River?
Q. Have you reported anyone to the Police that Sunday. (The Saltwater River decoy)
Q. Did you see anybody that resembled yourself on that day
Q. Did you actually shoot any bullets out of the AR15 that weekend?
Q. Did you see a .223 rifle with a polished wooden stock that weekend?

Perhaps the Tasmanian Police, like other police forces in Australia, are severely undermanned. The time required to explore and analyse the 1055 statements of the 865 witnesses may have been beyond the budget.
A Royal Commission will hopefully refine the standard procedures to ensure that never again will such oversights occur in any future investigations.

CHAPTER 28
OMISSIONS, DISTORTIONS, AND ANOMALIES IN THE COURT PROCEEDINGS.

You can fool some of the people all of the time,
and all of the people some of the time,
but you cannot fool all of the people all of the time.
Abraham Lincoln

It is obvious that the duty of the Crown Prosecutor is to obtain a conviction. But Australian Courts should also be viewed as places of Justice & Truth. The legal proceedings that followed the arrest of Martin Bryant have not displayed the latter, the final proof to this lies in what transpired in Court at the Sentencing Hearing.

Keep in mind that Martin Bryant was not apprehended at Port Arthur, but at Seascape after disappearing from continuous view, when coupled with the fact that Bryant always denied being at Port Arthur on the day, and that he has never confessed to the crime, only pleaded guilty under duress, surely it demands a little proof from the court process to make sure that all information pointed to Bryant actually being the one.

Why are there no descriptions of Bryant's attire on the way to Port Arthur.
Much of the prosecutions case in Court related to the premise that, Martin Bryant not only travelled from New Town to Seascape on that Sunday morning, but that he also was the person who drove the Volvo into Port Arthur, and therefore he was the shooter in the Broad Arrow.
While this may be precisely what transpired on the day, some proofs and thoroughness could have made this hypothesis a little more concrete.
Despite the fact that Petra Wilmott, Mr Angelo Kessarios, Mr Spiros Diamantis, Mr Gary King, and Mr Christopher Hammond all observed and spoke to Martin Bryant during his journey that morning, not one description of his attire during the morning appears anywhere in the Court Document.
While stating this, I must point out that in the Witness Statements of these five people, only two people have supplied a description of what Bryant wore, it would appear that a description of his attire was not sought from Miss Wilmott, who would surely have been able to describe his clothing exactly.

Mr Angelo Kessarios described what Martin Bryant actually wore on his journey from New Town, while buying a cigarette lighter at the Midway Point Newsagency.
He was described as *wearing a **brown coat that came down to his thighs, he had shoulder length blonde wavy hair, lace up boots and track pants on.***
[Sworn Statement: Angelo Kessarios 7th May 1996]

He was wearing track pants which were light green and a dark coloured top.
[Sworn Statement: Spiros Diamantis 17th June 1996]

He had long blonde curly hair, about 5'9" tall, and I can't recall what he was wearing at the time.
[Sworn Statement: Gary King 17th May 1996]

I didn't take any notice of what he was wearing.
[Sworn Statement: Christopher Hammond 9th May 1996]

Here we have a description given to the Court, of what Bryant was wearing at Port Arthur, a fairly vague description, despite the very complete picture painted by the eyewitnesses, indicating Nike sandshoes, light blue jeans, green jacket ¾ length, yellow shirt.
MR BUGG QC: The film is now shortly – a section of the film was prepared in slow motion by the police, that now follows, your Honour. It's only a portion of the film that was just played. It was in an attempt to get a clearer view of the accused who can be seen just in front of the farthest bus, at the boot of his car now. Most people described him as wearing that ***dark jacket*** *and* ***light grey trousers*** *on the day.*
[Court Document page 139]

If it is good enough to describe the apparel worn at the crime scene, it should be described during the preliminary journey as well to establish continuity, after all, this is a Court of law where proof should always be required, it would seem that Martin Bryant must have changed clothing prior to arriving at Port Arthur.

The clothing left behind in the Prince Bag was of no relevance.
Your Honour, the bag was left by Bryant in the café after he departed and I would tender that, along with a towel which was found to be in it. There was also some clothing but I won't tender that, your Honour, the Crown places no relevance on that. There was a towel, a hunting knife – sash cord rope in two lengths.
[Court Document page 76]

Realising the importance of identification of a suspect, and what that person is wearing, it is somewhat disturbing to see that the clothing left in the bag was considered to be of ***no relevance***.
When you consider that the gunman was not apprehended at the crime scene, and that no video was presented that identified features other than clothing, and that something has altered between Seascape and Port Arthur, then surely the clothing in the bag would be of major importance.

The Prince Sports Bag.
Your Honour, the bag was left by Bryant in the café after he departed and I would tender that, along with a towel which was found to be in it. There was also some clothing but I won't tender that, your Honour, the Crown places no relevance on that. There was a towel, a hunting knife – sash cord rope in two lengths.
[Court Document page 76]

I noticed a long sports bag which I think was either blue or green, and white, it had two handles at each width side.

The bag was open, I think it had a zip, I looked in and saw clothing or rags, not much bulk, I pulled it open slightly with my hands...I think I saw rope in the bag could I could not be certain.
[Sworn Statement: Marlene Sharp]

He had a big blue tennis bag and video camera, which was still on the table in the Café after I made the 000 call. I actually looked in the bag and noticed clothing, a metre to two metre length of white rope.
[Sworn Statement: Michael Sargent]

While we all know that this bright blue Prince Sports Bag was left behind in the Café, along with all the incriminating pieces of evidence to connect the murder of Mr and Mrs Martin to Martin Bryant, what we have not been told is that Bryant walked out of the Broad Arrow with a duplicate Prince Bag!
It has also not been made apparent that neither of the two people that looked in the bag shortly after Bryant departed the Café, observed anything other than the clothing and the rope, somehow the presence of the knife was missed on initial observation.

The second Prince Sports Bag.
Kevin and Joyce Wilkinson captured the initial gunshots on video, they were still at the front of the Café when the gunman departed, they recounted the gunman as carrying the rifle in his right hand, and as he negotiated the steps of the verandah, he was compelled to hitch the Prince Bag up onto his shoulder when it slipped.
Incidentally, Ron Neander observed the same thing earlier, *The male person was in the line at the servery getting some food, I saw the bag slip down off his shoulder, he then pulled it back up again.*

And why would Bryant go to the trouble of taking two bags into the Café simply to incriminate himself, this makes no sense at all, only a Royal Commission could possibly unravel this mystery.
If the Prince Bags were one inside the other, with the evidence to be left behind in the outer one, then, removing the inner one with it's contents of a second gun, and spare ammunition, one would expect a little difficulty in removing the inner bag.
And there is proof of this, the ammunition that spilt out during the removal, this is verified within the Court Document, and also from eyewitnesses.

It's unlikely that it misfired because there were live rounds found in the café area
[Court Document page 117]

Dennis Gabbedy was one of the first people to enter the Café after the shooting, he spent the next 90 minutes tending to Graham Collyer, surrounded by the dead.
A Victorian Police Officer at the time, he occupied his time by making sketches and notes in the Café, he later recounted that there was, ***heaps of live ammunition on the floor.***

I can remember on the way out of the Café, very near to position A, I saw a large bullet on the ground, I am not certain, but it looked as though it had not been fired, it was brass coloured, about two inches long.
[Sworn Statement: Coralee Lever]

And here we have eyewitnesses and video footage of the second bag outside the Café.

When I saw him at the rear of his vehicle, he put a black bag into the boot, he appeared to be relaxed and in no hurry.
[Sworn Statement: John Godfrey]

While I was in the tree line, I looked back towards the car park, when I did this, I saw a man at the back of a yellow Volvo sedan, he appeared to be putting a bag or something into the boot.
[Sworn Statement: Peter Stainthorpe]

There is more proof of the Prince Bag outside the Café, it has been captured in the video taken by James Balasko, it can be seen Bryant puts it into the boot of the Volvo, and he has to lift his leg rearward to balance the weight.

With my limited amount of Statements and a little observation, I have been able to determine that there was a second Prince Bag, surely it was just as obvious to the legal eagles that have been involved, it is also patently obvious that Bryant required a bag to carry the second gun and spare ammunition to ensure his safe escape, it would seem that the Prince Bag left in the Café served no other purpose than to incriminate Martin Bryant. Why on earth would anyone incriminate themselves, and then deny having been there!

The Video Camera that disappeared.
Mr Kingston attended other matters and then later noticed that Bryant had moved his car back to the water's edge. He saw Bryant alight from the car carrying a bag, a sport's type bag, a video camera, and he then walked towards the Broad arrow café.
[Court Document page 71]

Q.... Said you couldn't park in a certain spot, so you didn't and sometime later you did move your car to that spot. We believe you went to the Broad Arrow Cafe with that bag over there, containing some guns and your video camera. You purchased a meal, you went outside, sat down, and then went back into the cafe. Took one.
A. But you might've. That's like me saying to you, that you were down there.
[Interrogation]

He left behind in the Volvo a number of items of some significance including the 12 gauge Daewoo semi-automatic shotgun that has been marked for identification. That was fitted with a magazine containing nine cartridges.
Also left in the car were two magazines for the .308 FN rifle, one empty and one containing seventeen live rounds.
One magazine for the colt AR15 rifle containing twelve live rounds and a cardboard box containing four hundred and thirty nine, point three o eight calibre cartridges. There was a twenty five litre gasoline container containing twenty litres of petrol left in the Volvo together with a second ten litre drum containing seven litres of petrol. There were three packets of Little Lucifer fire starters and a grey video camera bag which contained, amongst other things, six keys bearing tags marked Seascape, as Mr Bugg has already mentioned.
[Court Document pages 158 - 160]

So the video camera was not in the Volvo. And according to the Court Document it was not left in the Café either, but this omission is corrected by the observation of an eyewitness.

He had a big blue tennis bag and video camera, which was still on the table in the Café after I made the 000 call. I actually looked in the bag and noticed clothing, a metre to two metre length of white rope.

[Sworn Statement: Michael Sargent]

Why has the reference to Bryant buying Marijuana been omitted.

Mr Bugg omitted to inform the Court that Bryant purchased marijuana, and that fifty dollars was available for the purchase.

Did a substance test on Bryant fail to find traces of drugs or marijuana, or was it omitted because the Mullen Report explains in some detail that Martin Bryant was a non smoker, and a non drug user.

On his way to Port Arthur he stopped to speak with two persons whose motor vehicle had over-heated and was stationary on the roadside. That was just past the Seascape property. Bryant chatted to them briefly and was asked if he was going surfing because of the surf board on the roof racks.

He replied, "No, I'm going to the Isle of the Dead to get rid of some wasps". He then suggested that they meet later at the café at Port Arthur when he said, "You can shout me a cup of coffee."

[Court Document pages 67,68]

A woman reported that her car had broken down on the highway just outside Seascape and that at about 12.30 p.m. another driver had stopped to give her assistance. She had been smoking a "joint" as she waited beside her car, and the good samaritan - who again matched Bryant's description- asked if there was anything for sale. She obliged with a fifty-dollar packet of cannabis. He told her to meet him at the Broad Arrow Café and shout him a cup of coffee for his help.

[Suddenly One Sunday page 158]

He reports no use of illicit drugs, specifically denying using cannabis, opiates and amphetamines.

[Court Document page 351]

Q. Do you carry matches with you?
A. Not very often, I don't smoke so there's no reason for me to carry matches or lighters.
Q. Mmm.
WARREN
Q. You don't smoke at all?
A. No, not at all.
Q. Clean-living person?
A. Try to be.
WARREN
Q. Have you ever had a smoke Martin or ...
A. No, not at all.
[Interrogation Transcript]

The omission of the details of the decoy to Saltwater River.
The Court was not informed as to why the Constables were at Saltwater River, amazing, this is a very integral preparation that had to take place to ensure the gunman would not be interrupted by the local police.
Omitted was the fact that the only local police were there investigating a tip off that there was a drug stash at Saltwater River, a claim that turned out to be false, but, importantly for the gunman it worked perfectly.
As can be seen from the court extract, the police were nowhere near Port Arthur at the time that the shooting commenced.

At about 1.30 p.m. the Nubeena Police Constable, Paul Highland, who at that time was in the Saltwater River area in company with Constable Garry Whittle, received a radio message to attend the Port Arthur site. Constables Highland and Whittle, travelling in separate vehicles, stopped briefly at the Nubeena Police Station. They received a further radio message to be on the lookout for a yellow Volvo with a surfboard on roof racks and decided to head for Port Arthur in different directions.
[Court Document page 173]

About 1.30pm indeed, the initial response units were notified at 1.36pm.

Mr Bugg introduces hearsay into evidence.
Hearsay is not permissible in a court of law, whether it be Judge Judy, or whether it be the Supreme Court of Tasmania, the word of an unidentified person can not be recounted to the court by a third party.

MR. BUGG: It was thought at one stage that he may have been injured by shrapnel fragments from the eastward shot which killed Mr. Kistan and Mr. Mills, but in fact a re-examination of that indicates that he was hit at the time Mr. Winter was being killed. Why I said there was some uncertainty about the changing of the magazine your Honour is that there was in that area, you will recall I mentioned just a moment ago, an ***unidentified Asian gentleman****.*
And the best construction which can be given to all the evidence, or which could have been given to all the evidence gathered, up until about three days ago was that Bryant had tried to shoot him but his gun had either misfired or struck empty because the magazine had run out. And why we say that is because another witness in another part of the historic site shortly after this saw an Asian gentleman who had blood splatters on him who said that he had been sheltering in this area of the shop and a shot had been, well the gun had been pointed at him and the trigger pulled, but the gun didn't fire.

Only three days ago the police were able to track him down and obtained a statement from him but that would appear to have been the situation, that he luckily found himself confronted with certain death and the gun either misfired or struck empty. death and the gun either misfired or struck empty.
[Court Document pages 115,116,117]

Very strange, in the entire brief of Witness Statements issued by the department of the DPP, this obtained Statement does not appear. Even stranger is the fact that the Task Force stood down on the 16th August, having concluded their investigation.

The Court was not told at what time Martin Bryant visited Roger Larner.
The visit to Roger Larner is very integral to what transpired prior to the massacre, and times being of major importance in the lead up to Port Arthur, or any such murder investigation or crime, a workable reconstruction or hypothesis of what and when, is imperative.
Current Affair quoted 12.30pm for this visit, Mike Bingham gave exactly 1pm, Roger Larner stated 1.05pm, while Mr Bugg for the Crown omits the time altogether.

Your Honour, it's important that I read to you the account given by Mr. Larner of his conversation with Martin Bryant because on the Crown case this conversation took place approximately one half of an hour after he had murdered Mr. and Mrs. Martin. He asked Mr. Larner how his health was – I am referring to page 43 of volume1, part A of the crown papers, your Honour. Mr. Larner replied that it was good. He asked after Martin Bryant's health and he said, "I don't drink much anymore and I don't smoke. I'm down here surfing."
[Court Document page 68]

The interesting observation that killed David Martin.
The proprietor of Seascape, David Martin, was killed by two gunshots, local resident Andrew Simmons actually heard two gunshots in the area of Seascape that morning, and yet the Crown fails to connect the two matters, the testimony of Mr Simmons is simply passed off as one of the interesting observations!

There were two interesting observations made late in the morning and at about midday by two people who reside in the area, one Mr. Simmons, heard at about 11 a.m. two shots.
[Court Document page 62]

In the case of Mr David Martin and examination of the body in situ and at the subsequent post mortem revealed a cloth gag tied around the neck and covering the mouth and chin. There was appeared to be a gunshot entry wound just beneath the right ear, the wound track running downwards through the neck muscles into the chest. A second probable gunshot exit wound was located 1.5 centimetres beneath the base of the neck. No corresponding entry wound could be located due to severe tissue destruction caused by the fire. Examination of the trachea showed no evidence of carbon deposition and toxicology results confirmed a conclusion that Mr Martin had died as a result of two gunshot wounds inflicted by Bryant before the fire started. I refer your Honour to Photographs number 983 and 997.
[Court Document page 187]

As has been indicated it is the Crown case that Bryant had murdered Mr and Mrs Martin during the morning of the 28th of April prior to the killings at the Broad Arrow Café.
[Court Document page 184]

The other interesting observation.
The other local resident that heard gunshots was Doug McCutcheon, who heard some volleys of gunfire, while these are not attributed to any particular reason or cause by

the Crown, it is quite distressing to see that McCutcheon's Statement has been used in a most inaccurate and deceptive fashion.

Further down towards Port Arthur and near the boat ramp a Mr Doug McCutcheon heard a series of rapidly fired shots and his best estimate of the time of that was ***about twelve o'clock to twelve thirty.***
[Court Document page 62]

On Sunday the 28 April 1996, sometime ***between 10.00am and possibly 11.00am*** *(I'm uncertain of the specific time), I was outside of my house chopping up firewood when I heard a series of rapidly fired shots which appeared to come from the direction of Seascape.*
I'd heard a similar sounding weapon before, sometime prior to Christmas- it is unusual to hear that type of weapon, it had a pretty loud bark.
The first lot I heard were possibly 6-12 shots.

How interesting, the accounts of residents hearing gunshots are only interesting observations, the Coroner doesn't know the time of death, the DPP doesn't know, the man is killed with two bullets, and the reports of Mr Andrew Simmons and Mr Doug McCutcheon are only interesting observations.

Why was not the logical conclusion made that the two shots heard, just could have, been the two shots that killed David Martin, why was not the inference made that the volleys of shots heard by Doug McCutcheon, could have been a test of the weapons before taking them to Port Arthur!

The Court was not informed of Bryant's whereabouts at the time of these shots.
It was known that Andrew Simmons heard the shots at about 11am, it was further known that the time was before 11am because he was waiting to be collected by a friend before 11am.
It was known that Martin Bryant left home no sooner than 9.47am, and it is known that the journey from Hobart to Port Arthur is 97 kilometres, and that Bryant made several stops along the way, making his possible arrival at about 11.30am.
So, why was it not pointed out to the Court that Martin Bryant was somewhere in the vicinity of Sorell or Forcett at the time of the two shots.

Omission of details about the door that did not open.
And your Honour will see that there is an exit door shown out on to the balcony though that display area. At the time of this shooting that door was locked and was unable to be opened either internally or externally without the appropriate key
[Court Document page 101]
Another couple, Peter and Carolyn Nash, were also in this area of the premises. They moved to the door out of the gift shop area – if that could be indicated- but, unfortunately, that door was locked.
[Court Document page 109]
Having returned to the gift shop area he found Mr. Jary, Mr. and Mrs. Nash and Pauline Masters and an unidentified Asian gentleman all crowded together towards the locked door near the gift shop.
[Court Document page 113]

There is no mistaking the fact that this door could not be opened on the day, what the Court failed to be told however, was that this door contained a fire exit lock!
While the Court was told no less than three times that the door was locked, without the benefit of foresight, the Court would never learn that, subsequently Mr Damian Bugg would commission Jacksons Security of Hobart to examine the said lock.

This future report would be dated the 20th July 1997, which of course is following the Sentencing Hearing, it completely contradicts the assumption that the door was locked and that it required a key to unlock the door, the report in fact states that the lock was actually a Lockwood 930 series **fire escape lock**.
The report also states that there were two faults, *a crack in the spindle housing,* and *corrosion in the latch body*, that would make it *difficult for the latch to retract.*

The Court was not told at what time the shooting commenced.
The time at which shooting commenced at the Broad Arrow, would have to be one of the most important details to help reconstruct what transpired on the day, and yet the prosecution does not even give an approximate time, we are only told how long the prosecution believes the shooting lasted for.
This is the only time reference that relates in some way to the imminent commencement of the carnage.
Bryant entered the Broad Arrow café at about 1.30 p.m. He stood at the servery and obtained food and drink, a fact which was noticed by one of the witnesses consisting of a cup of fruit juice and also a can of fruit juice. He left the café to take a seat outside and as he left the door was held open for him at his request by Mrs. Carol Pearce and Mrs. Carmel Edwards members of a party of ten who were just entering the café.
[Court Document page 71]

Your Honour, it is hard to express in any finite terms the precise period of time Bryant was in the café but I would put to this court that he was in there for approximately one and a half minutes to, at the outside, two minutes, whilst he was firing his gun.
[Court Document page 117]

The editing of the Interrogation.
The major shortcoming that stands out in Court, would have to be the acceptance of the very shoddy Interrogation with it's inherent missing 1/3rd of transcript.
This was covered in some detail in the previous chapter where the Judge seems unable to contain himself after the news of the deletions commences, his response, ***Oh, right generous, that's deleted is it?,*** tells much.

Your Honour, the quality of the sound and vision on this interview are not particularly good, there was some breakdown with the recording facility and the tape has been reconstructed using the audio from an audio tape which was recorded at the same time as the original video, so there is some lack of synchronisation at times and the vision is not particularly good but I would now seek your Honour's leave to have this interview played to the court. It goes for approximately two hours and at its conclusion the learned Director of Public Prosecutions will complete the Crown presentation of facts.

HIS HONOUR: Yes. You've got no submissions, I take it Mr Avery, in view of the editing and the substitution of some of the audio tape?
MR. AVERY: I was not aware of it but I am not troubled by what's proposed, your Honour.
[Court Document page 194]

Amazing, John Avery is not troubled by the fact that 1/3rd of the Interrogation is missing, that there are no less than 80 <Inaudible> insertions, and that this Interrogation was conducted with no attorney present, nor by the fact that his client was subjected to a lengthy interrogation, and while shackled or manacled to his wheelchair.

Not all of the Mullen report was read to the Court.
Your Honour, the opinion upon which the defence places most reliance, however, is that of Professor P.E. Mullen, Forensic Psychiatrist, of 160 Nicholson Street, Fitzroy in Victoria. I tender to the court the report of Professor Mullen dated 12th of November, 1996, together with his Curriculum Vitae, but given the import of this report I would ask to read it in its entirety.
[Court Document page 339]

Despite the promise of reading the Mullen report ***in it's entirety***, Bryants lawyer, John Avery, has allowed the following excerpt to be omitted, how unfortunate that the Court never heard this vital information that helps to understand the possibility of outside influence on Bryant's mind.
In the original report, under the heading of Mental State, the following three paragraphs have been removed from pages 6 and 7
Mr Bryant has believed for a number of years that the house he occupies is haunted. His main evidence for this haunting is, what he describes as "the vibes in the house". He has also on occasion, heard various noises, particularly at night, which he has interpreted as the ghosts moving around.
These on the face of it appear to be the kind of bumps and bangs to which large empty houses are prone. Mr Bryant believes that the ghosts are the ghosts of two women, one of whom he suspects is Miss Harvey.
He does not necessarily believe that these ghosts intend him any harm, but he is nevertheless frightened when alone in the house and these thoughts occur to him.

Mr Bryant describes, on rare occasions, hearing what he believes to be the voices of two women which he presumes are the ghosts speaking. These are brief episodes when he hears the voices saying short phrases such as "come on" or "here". This, he believes, has occurred two or three times in the last six months.
It usually occurs when he is in bed or alone in the house at night
It arises in the context of his fear of ghosts. These brief hallucinatory experiences are not in my opinion of any pathological significance and do not indicate a serious mental illness.
Mr Bryant gave no description suggestive of ideas of reference in that he does not believe that he has ever received messages coded or otherwise from the television or radio. He did describe feeling moved by radio programs to travel but this seemed indicative of impulsivity rather than of abnormal mental experience.
[Mullens Report]

How absolutely incredible.
That Martin Bryant's own defence lawyer would withhold this very important passage from the Court, and this after asking the Court if it could be read in it's entirety.

The guardianship details that were distorted.
The matter of the Court receiving the incorrect details of Martin Bryant's guardianship has been covered in an earlier chapter, this major anomaly was the result of information supplied by John Avery, lawyer for the defence.

*In **November 1993** Mr Bryant was made subject to a guardianship order which placed the management of his money and property in the hands of the Perpetual Trustees, Tasmania Limited.*
[Court Document page 347 John Avery]

*The Supreme Court hearing on **April 22, 1994**, was private.*
But the Sunday Herald Sun has learned Bryant was examined by doctors from the Health and Community Services Department and found to be suffering from a personality disorder and schizophrenia.
[Herald Sun May 5th 1996]

A very slow DNA analysis.
This excerpt infers that DNA testing of the contents within the Prince bag was not satisfactory, therefore further testing was undertaken because a DNA sample could not be identified. How amazing then, that this long winded DNA test should prove to consistent with one Martin Bryant, seven months after the event.
If there had been a trial, and that trial may have been one week earlier, then this evidence would have been lost.

Your Honour, the bag was left by Bryant in the café after he departed and I would tender that, along with a towel which was found to be in it. There was also some clothing but I won't tender that, your Honour, the Crown places no relevance on that. There was a towel, a hunting knife – sash cord rope in two lengths. While they are being tendered, your Honour, I will just say that subsequent DNA analysis of the hunting knife and deposits that were observed on it disclosed that there was blood on the knife of a DNA type matching Mr. David Martin.
A very refined test undertaken, the results of which only came to my office on Friday, has disclosed that there was also a DNA sample which was unable to be identified initially but it has now been identified as being consistent with that of Martin Bryant, but obviously from his plea there is no dispute about that now.
[Court Document pages 76, 77]

THE PRINCE SPORTS BAG, SIMPLE MATTER OR AN ENIGMA

In the spider web of facts, many a truth is strangled.
Paul Eldridge

The Prince Sports Bag that was used to carry the .223 rifle into the Broad Arrow Café, is without any doubt one of the key pieces of evidence of Port Arthur.
It was used to link Martin Bryant to the murder of David Martin. It was relevant to the proving that Bryant planned the massacre some time in the past. And it completed the continuity that was commenced in the morning by carrying it into the supermarket at Sorell.
The following excerpts confirm the importance of the Prince Sports Bag, and also that the bag was discovered in the Café after the event, but that is not the whole story.

Purchase of the Prince Sports Bag.
I'd just like to add that I remember a strange thing that Martin did a couple of weeks ago. We went out to buy a new TV, Martin took a tape measure and was measuring sports bags, I asked him why, and he said it was for Tai-Chi.
Martin bought a bag, an orange and blue/green sports bag. Martin said later that he didn't want to start Tai-Chi anymore as he'd already done it and didn't like it, I thought this was strange, I never saw the bag again.
[Sworn Statement: Petra Willmott 28th April 1996]

When we purchased the bag, which was in Fitzgeralds I think, he measured it length wise. When he took the bag home it was in the bedroom that day, then it disappeared, I didn't see it after that.
[Sworn Statement: Petra Willmott 30th April 1996]

About two to three weeks ago, I turned up at Martin's house at 12.00 midday, I wasn't supposed to be there until 3.00pm.
Martin said that I was lucky that I had caught him, as he was looking for TVs, a bag, sandshoes and a tracksuit, and was going to town.
[Sworn Statement: Petra Willmott 8th May 1996]

On the 15th of April, 1996 Miss Wilmott accompanied Bryant in to Hobart to go shopping, less than two weeks before this incident. She was in the Myer store in Hobart with Bryant when he purchased a Prince sports bag, having first measured that bag with a tape measure he had taken with him. It's the crown case that he was obviously measuring that bag to determine whether or not it had the capacity to carry the semi-automatic weapon he carried in that bag with him when he entered the Broad arrow Café on the 28th of April. He turned to Miss Wilmott and said was the bag big enough and when she asked him what for he told her that he was going to use it for T'ai Chi.

However, in an aside conversation with the shop assistant he told the shop assistant that the bag had to have strong handles as it would be used to carry ammunition which would be heavy. This bag was later to provide Bryant with an element of surprise and as an illustration of his pre-planning for what he did on the 28th of April. Miss Wilmott states that after seeing that bag at the time of purchase she did not on any other occasion see it either at Bryant's home or in his possession. It was most likely hidden with his firearms and ammunition.
[Court Document page 56]

This statement to the Court contains hearsay, the shop assistant is unnamed, what's more, there is no such statement existing in my copy of the Crowns brief, some rather damning testimony has been entered into the minds of all in the Courtroom, this information is not admissible, if it does not exist in the Crown brief, then it does not exist, it is a fabrication.
The Statements of Miss Willmott mention Fitzgeralds, there is no mention of the Myer store, little wonder the Statement of the shop assistant does not exist.

I have no problem with the fact of Martin Bryant purchasing the Prince bag in the presence of Miss Wilmott, however, I am not entirely convinced that it was of his own cognition. How did he manage to buy the right size bag for a gun he no longer had in his possession?

Prior to purchasing the Prince Bag on the 15th of April, Bryant had taken the AR10 to gun dealer Terry Hill for repairs, it was left in Hill's possession on the 27th of March, therefore, Martin Bryant did not possess an AR10 or an AR15 to put into the bag.
Bryant was most presumptuous in purchasing a bag that would be suitable for an AR15, not knowing whether he would be able to procure an AR15 to put into the bag, and, as it has turned out, if Bryant did purchase an AR15 before the 28th, it has never been determined, let alone verified as such by being sourced or traced to a supplier.
Did someone else have the AR15 on hand waiting for conditions to be put in place for that Sunday? Judging by the eyewitnesses at Port Arthur that described the endeavours of the gunman in his struggles with the heavily weighted Prince Bag, it is worth noting that that when Martin Bryant carried the Bag into the supermarket at Sorell, the proprietor, Mr Spiros Diamantis observed no such difficulty, indicating that the Bag did not yet contain the guns.
It has been generally assumed that an AR15 was actually used at Port Arthur, the chapter covering Ballistics will show that the AR15 may not have been fired that weekend, and that in fact, the actual murder weapon used in the Café has yet to be recovered.

Taking the Prince Bag to Seascape.
Between 9.45am and 10am I was working behind the counter, when a male person with blond hair came into the supermarket carrying a large bag in his left hand.
When he came, he walked to the rear wall of the supermarket to where I have tomato sauce bottles on a bottom shelf.
I kept watching this male because he had a bag, he crouched down and picked up a bottle of tomato sauce and then made his way to the front counter, when he got to the

counter, he paid for the tomato sauce which was worth $1.40 in five and ten cent pieces.
He then walked out of the shop, I did not see where he went, or which car he got into.
I would describe this male as follows: approximately 183cm tall, he had shoulder length hair, blue eyes, he was clean shaven, fair complexion, he was wearing track pants which were light green and a dark coloured top.
With regards to the bag he was carrying, I would describe it as follows: it was long like a tennis bag, it was blue and white in colour, that is, it was blue with white stripes, the bag was closed and I did not see what was in it.
This male appeared to be very quiet.

On Monday the 29th April I saw the photograph on the front page of the Mercury of the male who was allegedly responsible for the Port Arthur shootings, I immediately recognised the person in the photograph as the person who came into my supermarket on the morning of Sunday the 28th April 1996.
[Sworn Statement: Spiros Diamantis 17th June 1996]

I cannot see that the bottle of sauce ever appeared again. Paying for it with small change, and carrying the apparently gun free Prince Bag in and out of the supermarket, served no useful purpose other than making sure that Mr Diamantis would remember him and the bag. It is also worth noting that the described light green track pants, fail to match the light blue jeans worn later at Port Arthur.

Taking the Prince Bag into Seascape.
At about 11.45 a.m. a Peninsula resident, Mr Copping, drove past "Seascape" on the Arthur Highway. He had known the Martins for a number of years, and when he looked towards "The Seascape" building he observed a yellow Volvo sedan backed up into the front door of the main home with the driver's door open. There was a surfboard on the rack and he took particular notice of this because being a person who had surfed in the area some many years before he knew that the weather was not good for surfing and he recalled that when he spoke to the police because he said he thought to himself at the time that a lot of surfers had improved somewhat since his day of surfing if they could afford to stay overnight when the weather was like that.
[Court Document page 64]

As I passed 'Seascape' I looked down towards 'Seascape' as I would normally do, I saw a yellow Volvo sedan parked at a slight angle outside the front door to the Martin's house. The nose of the Volvo was facing back up the driveway, the car had been reversed into the door area of the residence. I noticed that the driver's side door was open, I saw nobody around the house or car.
[Sworn Statement: Michael Copping 10th May 1996]

About 11.45am, would be shortly after Bryant's arrival from Hobart, there is still another hour or so before the Volvo will be driven to Port Arthur. How strange that the Volvo has not been parked in the yard, and further, that it has been reversed up to the front door.
I cannot imagine that if the Martins were still alive, that you would reverse a car to their front door. And if so, one could then assume that their killer was now waiting at Seascape for Bryant and the Volvo to arrive.

I would suggest that the Prince Bag is now removed and prepared for later, the inner bag is added, the evidence is placed in the outer bag, including the knife with the DNA attached.
Following their test firing heard by neighbour Doug McCutcheon, the guns and ammunition are then added to the inner bag in readiness for Port Arthur.
Later on, the Volvo is spotted again by Mr Copping, it is heading towards Port Arthur, either going to the Historic Site, or going to visit Roger Larner.

He drove through past Port Arthur township and then returned at about 12.40 p.m., in other words he was driving back towards "The Seascape", and as he did so he noticed the yellow Volvo being driven towards Port Arthur about two hundred metres south of the general store at Port Arthur itself.
[Court Document page 64]

Taking the Prince Bag into the Broad Arrow Café.
At about 1.25 p.m. the security manager at the site, Mr. Ian Kingston, was directing people in the carpark when he saw Bryant, who indicated that he wanted to park his vehicle near the water's edge. Mr Kingston directed him away from that area because it is normally reserved for campervans and the carpark area was quite busy o that day. Bryant became argumentative but drove off in his car and parked it near the information centre. Mr Kingston attended other matters and then later noticed that Bryant had moved his car back to the water's edge. He saw Bryant alight from the car carrying a bag, a sport's type bag, a video camera, and he then walked towards the Broad arrow café. It is the Crown's case that that bag that he then had with him contained the AR15 semi-automatic rifle and ammunition and it was the bag which he had previously measured, which I've referred to. At this stage, Mr Kingston didn't take any further notice of Bryant.
[Court Document page 21]

At about 1.25pm on Sunday, 28 April 1996, I was working at the Port Arthur Historic Site. At this time I was at the intersection of Tarleton Street and Jetty Road. I was there to direct people driving vehicles as to where to park within the complex.
At this time, I stopped a vehicle, a yellow Volvo sedan with surfboards on top of it. There were no passengers in the vehicle, the driver of the Volvo was about mid to late 20s, he had long gingerish coloured hair, scruffy type hair, he was wearing a green jacket I think.
He had a black bag on the back seat, it was an overnight bag about 750mm long.
I saw the male get out of the car, opened the back driver's side door, he had a video camera over his shoulder, he pulled out his black bag, closed the door, and he started walking towards the Broad Arrow Restaurant.
[Sworn Statement: Ian Kingston 28th April 1996]

Prince Bag left behind at the Broad Arrow.
Your Honour, I won't take you through in any detail the photographs but you have before you that bundle of photographs, I refer you to photographs 52 to 57. But if you turn to photograph 52, what you are looking at there, your Honour, ***is in fact the table with the Prince bag on it, as left by Bryant****, and to its immediate left you can see with back to the camera the body of Mr. Ng slumped against the wall and Miss Chung leaning against the window and you can see just* ***to the right of the bag****, the*

right hand corner of the bag on the floor, further in to the back of the café, the body of Miss Scott on the floor. And those photographs 52 to 57 will then take you through the closer photographs of the three deceased.
[Court Document page 81]
[The Forensic Sketch Plan of the Broad Arrow Café also clearly shows the Sports Bag resting on the table adjacent to Fired Cartridge Case #3]

There exists, two different video accounts of the Prince Sports Bag on the table, one video displays the bag on table amidst the aftermath of the carnage, strangely however, there is yet another video that depicts the bag on table within a perfectly spic and span Café, with not a thing out of place. The purpose of the second video eludes.

A Prince Bag on the table.

Your Honour, it is likely that Bryant also stabbed Mr Martin. The results of DNA profiling carried out on a blood stain on the knife recovered from ***the prince bag Bryant left behind at the Broad Arrow Café*** *indicates a high probability that Mr Martin or Mr Martin's blood was a contributor to the stain.*
[Court Document page 187]

Keep in mind that the forensic report tells that Mr David Martin had two bullet wounds to his upper body, and that he had been gagged. It would appear most strange to think that a knife wound to Mr Martin would serve any other purpose than to provide a DNA link with Martin Bryant.

The first Prince Sports Bag.
Your Honour, the bag was left by Bryant in the café after he departed and I would tender that, along with a towel which was found to be in it. There was also some clothing but I won't tender that, your Honour, the Crown places no relevance on that. There was a towel, a hunting knife – sash cord rope in two lengths.
[Court Document page 76]

I noticed a long sports bag which I think was either blue or green, and white, it had two handles at each width side.
The bag was open, I think it had a zip, I looked in and saw clothing or rags, not much bulk, I pulled it open slightly with my hands...I think I saw rope in the bag, I could not be certain.
[Sworn Statement: Marlene Sharp]

He had a big blue tennis bag and video camera, which was still on the table in the Café after I made the 000 call.
I actually looked in his bag and noticed clothing, a metre or two of white rope.
[Sworn Statement: Michael Sargent 29th April 1996]

While we all know that the bright blue Prince Sports Bag was left behind in the Café, along with the incriminating pieces of circumstantial evidence to connect the murder of David and Sally Martin, with Martin Bryant's bag. What we have not been told is that there was a duplicate Prince Bag carried out of the Broad Arrow Café.

The Prince Sports Bag carried out of the Broad Arrow.
Kevin and Joyce Wilkinson captured the initial gunshots on video, they were still at the front of the Café when the shooter departed, carrying the rifle in his right hand, and as he negotiated the steps of the verandah, he was compelled to hitch the Prince Bag up onto his shoulder when it slipped.
[Recounted in conversations with the author 2000-2001]

Incidentally, Ron Neander observed the same thing earlier, *The male person was in the line at the servery getting some food, I saw the bag slip down off his shoulder, he then pulled it back up again.*
By the way, the Wilkinsons were like many others, informed that their presence in Court would not be required.

As we were waiting to be served, I saw a young male person with long blonde hair, and he was carrying a green sports bag, standing in the line...
I then walked to our bus and boarded it...it was 1.20pm that I got back on my bus...
I had a clear view out of the window of the bus, I observed the male person with the long blonde hair, walk from the area of the Café towards a yellow car, I saw him carrying a green sports bag, the male seemed to be walking fairly casually.
The male then went to the boot of the yellow vehicle, which was only small, he went to the boot of the vehicle and put the sports bag in.
I then saw him grab a rifle from the boot of the vehicle, the rifle had a telescopic sight on top of it.
[Sworn Statement: Betty Daviess 29th April 1996]

When I saw him at the rear of his vehicle, he put a black bag into the boot, he appeared to be relaxed and in no hurry.
[Sworn Statement: John Godfrey 7th June 1996]

While I was in the tree line, I looked back towards the car park, when I did this, I saw a man at the back of a yellow Volvo sedan, he appeared to be putting a bag or something into the boot.
[Sworn Statement: Peter Stainthorpe 30th May 1996]

I saw a male person who had long blonde hair, and a long dark coloured coat on, this person had a long barreled firearm, and was carrying a bag which was about two foot long.
[Sworn Statement: Jason Cole 3rd June 1996]

Additional proof as to the existence of a second bag comes from the police during the Interrogation, when they referred to guns in the plural, if the gunman carried two guns into the Café, and left no guns behind, then obviously the second gun was concealed in the bag he walked out with.

Q. ... Said you couldn't park in a certain spot, so you didn't and sometime later you did move your car to that spot. We believe you went to the Broad Arrow Cafe with that bag over there, containing ***some guns*** *and your video camera. You purchased a meal, you went outside, sat down, and then went back into the cafe. Took one.*

A. But you might've. That's like me saying to you, that you were down there.

And further.

Q. But the difference is Martin, my car wasn't down there and I haven't been identified as being down there and I wasn't down there. And then you ***took one of the guns*** *out of your bag and opened fire in the cafe.*

A. Why would I do that, I mean.

There is more proof of the Prince Bag outside the Café, it has been captured in the video taken by James Balasko, it can be seen when Bryant goes to the boot of the Volvo, several of the frames show a large, bright blue object in front of his body, where he has to lift his leg rearward to balance the weight.

Summary.

Prince bags are imported into Australia, currently [circa 2001] the largest bags supplied measure 38" x 16" x 10", with zips or openings right out to the ends. The rigid bottom is easily removable, thus permitting any modification necessary to place one bag inside the other.

If the Prince Bags were one inside the other, with the evidence to be left behind in the outer one, then removing the inner one with it's contents of a second gun, and spare ammunition, one would expect a little difficulty in removing the inner bag.

And there is proof of this, the ammunition spilt out during the removal, this is verified within the Court Document, and also from eyewitnesses.

Dennis Gabbedy was one of the first people to enter the Café after the shooting, he spent the next 90 minutes tending to Graham Collyer, surrounded by the dead.

A Victorian Police Officer at the time, he occupied some of his time by making sketches and notes in the Café, he later recounted that there was, *heaps of live ammunition on the floor*.

I can remember on the way out of the Café, very near to position A, I saw a large bullet on the ground, I am not certain, but it looked as though it had not been fired, it was brass coloured, about two inches long.

[Sworn Statement: Coralee Lever 1st June 1996]

It's unlikely that it misfired because there were live rounds found in the café area

[Court Document page 117]

With access to a limited amount of Statements (240/855), it certainly appears that there must have been a second Prince Bag, surely it was just as obvious to the legal

eagles that have been involved. It is also patently obvious that Bryant required an extra bag to carry the second gun and spare ammunition to ensure his safe escape.
With such a well planned operation, no one would risk being caught in a crowd with one jammed inoperable rifle, common sense in planning dictates a spare gun!
It is also very obvious that the Prince Bag left in the Café was a planned event that could serve no other purpose than to incriminate Martin Bryant, unwittingly or otherwise.

Playing *devils advocate*, if Martin Bryant was the gunman, he would only have required the one bag to carry the guns in and out, whereas, if there was an impersonator, he would have required to have one bag to carry the two guns and ammunition, and another bag to leave behind with the incriminating evidence.

This could explain why Martin Bryant flashed the Prince bag at the Sorell supermarket, quite conceivable if one imagines Bryant being sent on a scavenger or treasure hunt, the instructions could have been, go to Sorell, purchase one bottle of tomato sauce, you must carry the bag into the shop, pay for the sauce with small coins.

The other possibility is, someone convinced Bryant to use the two bags.

All of the strange purchases and occurrences that Sunday morning, during the journey from New Town to Seascape, make much more sense if viewed in the context of a pre-organised treasure hunt.
The Prince Sports Bag was certainly the key component in connecting one Martin Bryant with the Port Arthur massacre. Following the well reported placing of the second Prince Bag in the Volvo, it appears to have disappeared, not reported in the latter contents of Bryant's Volvo, nor reported as being transferred to the BMW, certainly an enigmatic matter.

From the Police Interrogation.
PAINE
Q. Martin, I'm gonna just get Mr Warren to pick up that ahh, sports bag on the floor and show it to you.
A. It's a nice one isn't it.
Q. It's a very nice bag.
A. Mmm.
Q. Seen that before?
A. No never, never seen that before.
Q. Well I believe you.
A. I've got a couple of sports bags. I've got a rubber black one upstairs at Clare Street I bought ..(inaudible)
Q. Well I believe you bought that in Myers or Fitzgeralds or somewhere in town, accompanied with a, a young women earlier this year.
A. Earlier with a young woman, I don't recall buying that.
Q. You sure?
A. No, not at all. If I said that that was mine, I'd say that was mine but.
Q. Ohh.
A. No.
WARREN

Q. have you ever had a bag, a bag like that?
A. Bag like that, I've got a couple of sports bags. I've got a red one, I can't, ohh a bit like that and a blue one, just all blue at home but.
PAINE
Q. Do you recognise the brand name there?
A. No.
Q. It's a Prince brand.
A. Ugh ugh, no.
Q. Because it's funny, you said, did you say you liked playing tennis?
A. Tennis. I haven't played tennis for about 12 months or so with Mum.
Q. Yeah. 'Cos Prince make, principally make tennis equipment, shoes and gear and racquets and.
A. Mmmm.
Q. Did you know that?
A. No I didn't.
Q. Ohh.
A. No.
Q. Thanks Mr Warren.
A. Ohh with my girlfriend you reckon I bought that.
Q. I'm sorry, I didn't hear you.
A, You, you said that you think I bought that bag in Myers. You said the.
Q. I said I believe you bought that in Myers or Fitzgeralds in the company of ahh, a young woman, yeah. And you said.
A. No.
WARREN
Q. Do you think you might, you could have done and you just can't remember or you?
A. No I don't recall having a sports bag, at the last time I bought a sports bag was, like this one I bought in Franklin.
PAINE
Q. Well I'm sorry I honestly believe you bought that bag.
A. Mmm.
Q. Martin. I'm sorry about that.
A. That's alright.
Q. I believe you bought that bag.
A. That's okay. Mmm.

The Prince Bag was one of the key aspects of the Crown's prosecution case. How amazing that it was accompanied by such a strange set of anomalies and alternate information that made a mockery of the evidence supplied to the Court.

CHAPTER 20
THE VIDEO EVIDENCE.

A truth that's told with bad intent,
beats all the lies you can invent.
William Blake

There were 28 video tapes taken by tourists at Port Arthur. These were collected by the Task Force as evidence, well, except for the one taken by James Balasko, it was not discovered until after the Task Force had been stood down upon apparent completion of their duty.

The Task Force continued until the 16 August 1996 and in that three months interviewed 865 witnesses, obtained 1055 statements, examined in excess of 2000 exhibits, assessed in of 3000 photographs as well as prepared plans and maps, examined all media articles produced around Australia and prepared the prosecution file.

[EMA page 12]

Prepared the prosecution file, very relevant comment, make no mistake, all efforts in Tasmania were directed towards obtaining a conviction. The intent was very clear, Martin Bryant was the only one apprehended at Seascape, so all efforts must be geared towards proving that he was guilty, and that he acted alone.

Despite the efforts of a very concerted investigation, the Prosecution in my opinion, absolutely failed to prove many points, that is, beyond all reasonable doubt, and, with the forensic expertise available nowadays, nothing less than absolute and indisputable proof should be good enough.

Areas of some doubt include the proven presence of Bryant at Port Arthur; that he acted alone; where the weapons came from; how Bryant could have possibly fulfilled the hypothesis of movements on that Sunday; and many other curious anomalies, many of which have simply been placed in the too hard basket, especially who murdered the Martins while Bryant was clearly still en-route from Hobart.

A large part of the Prosecutions case relied on Video Evidence, which, informative as it certainly is, only proves that certain events took place, not that Bryant or any one else could be identified.

There is one thing however that is very clear about the Video Evidence, and that is that Port Arthur was much more than what the public, and the Court, have been led to believe.

The video evidence taken by James Balasko, the tourist from America.

MR BUGG QC: The film is now shortly – a section of the film was prepared in slow motion by the police, that now follows, your Honour. It's only a portion of the film that was just played. It was in an attempt to get a clearer view of the accused who can be seen just in front of the farthest bus, at the boot of his car now. Most people described him as wearing that dark jacket and light grey trousers on the day. This film did not come into the possession of the police until September of this year. They were unaware of the existence of it until a second follow up interview with Mr Balasko in early August.

[Court Document page 139]

James Balasko was originally interviewed on the 29th April 1996 by the Tasmania Police, despite giving a most explicit account, and despite the obvious commercial value and importance of video footage of the actual Port Arthur killer, Mr Balasko failed to give any mention of having or using a video camera on that day
If the existence of video footage is not in the original Statement of James Balasko, then the question begs, how did the Police or person unknown learn that the footage even existed?

I saw the gunman walk over to a yellow car, possibly a Volvo. This car had a surfboard on the roof, he lifted the back of his car, he had his rifle with him, he then appeared to either re-load the rifle, or get another rifle out of the boot. I was too far away to see exactly what he was doing, he then closed the boot and continued to fire. After this, I saw him look across at me and take aim with his rifle. I quickly ducked back behind the van as I heard a loud bang, I knew he had fired at me.
He then began firing up towards the hills, and I was trying to move further away as I knew I was too close.
[Witness Statement: James Balasko 29th April 1996]

James Balasko with Cynthia Zahorcak

James Balasko was next interviewed on the 1st August 1996 by the New Jersey State Police, his two statements tell much the same story, except that he now includes his video camera within his second statement!

I ran into the parking lot behind a camper or van, at this point I realised I had my camcorder in my hand.
I thought, maybe I can videotape this guy, I turned the camcorder on while I was behind the camper and started filming.
As I was filming the shooter, he noticed me sticking out behind the van with my camera, he aimed his gun at me, when I saw that, I fell to the ground and heard the shot go over me, behind me.
[Sworn Statement: James Balasko 1st August 1996]

Compare these two statements with the comments made during the Current Affair special on Port Arthur, Balasko narrated, *I felt that if I could see where the man was, then I would be OK. So long as I saw him shooting, and what he was doing, I would be comfortable, so I stood behind this camper, and I got up and I looked, I realised at that time I had my video camera in my hand, so I turned it on.*

And another section of the Current Affair interview produced this account of what took place, these comments certainly leave no doubt that James Balasko for some inexplicable reason, failed to tell the whole story the first time.

At some point he saw me shooting or videotaping, because I was sticking out like this behind the camper, at the back of the camper.
And through the viewfinder I could see him take aim at me with his gun, and umm, I just dropped to the ground, you know you can see that on film.
At that moment you can hear the shot that he shot over my head loud and clear.

So, here we have yet another conundrum, not only did the existence of the video fail to be reported to the Tasmanian Police on the day after the event, but it raises curiosity as to when Current Affair were able to interview James Balasko and his girlfriend Cynthia Zahorcak, considering that all evidence was deemed secure, and that proceedings in Court were held on the 19th and 20th November, how were Current Affair able to televise footage from James Balasko on the evening of the 20th, and again on the 24th.

It would appear that prior to being shown on Australian television, James Balasko and Cynthia Zahorak were interviewed at home in America, only their responses are shown, the reporter and the questions have been edited out.
One would have to presume that Channel 9 were permitted earlier access to the details, perhaps after the plea change on November 7th, thus, someone has breached the file security, the sanctity of secure Court evidence was violated.

Consider now the following statement from the Commissioner of Police, Mr Richard McCreadie, it raises serious questions about how such use could be made of the video evidence.
It was obvious from the outset of the investigation that a high level of interest would be shown in the material collected by the team.
It was also clear that some of the material had a significant commercial value and as a consequence a very high level of security was placed around the 'file'.
This security was maintained until the completion of the investigation and the conclusion of the court proceedings and it is interesting to note that not one allegation of leaked information was attributed to the task force.
[EMA page 12]

The Turner video tape used in evidence.
Another video tape used in Court, was the one that captured the sounds of the first 25 seconds of gunfire.
We decided to go for a walk, and headed down towards the ruins near the water. As we got inside I heard the sounds of cracks or something similar going off, it was just a continuous sound. I looked out through the ruins and saw people falling about around the back of the buses, which were about 200-300 metres away...
I believe I may have video taped part of the incident that took place today and have provided police with the tape.
[Sworn Statement: Barry Turner 28th April 1996]

This Statement is stamped ***DPP Copy,*** and despite being using the video as evidence in Court, the DPP failed to include this persons Statement in his Court Brief.

The Wilkinson video tape used in evidence.
The Wilkinsons also had their video tape used in evidence, their Statement was not made until 4 weeks later, by which time they had volunteered a copy of the video clip to the Task Force, existence of the footage was not discovered before they left the site on 28th April at 5.15pm.

The Mc Leod video tape used in evidence.
Despite the importance of footage supplied by Ian Mc Leod, and the use of his video tape as evidence, his Statement also fails to appear within the Brief of the DPP.

The use of these videos as Court evidence.
These four videos were shown in Court to help determine what transpired on the day; the Wilkinson tape captured the sound of the initial gunshots for a duration of 15 seconds, also the gunman getting into the Volvo; the Turner video captured the first 25 seconds of gunshot sounds; the McLeod video recorded latter gunshots as well as footage of the Volvo travelling away from the site.
The Balasko video managed to capture Bryant at the rear of the Volvo, it is worth noting that none of the eyewitnesses that supplied the footage to the Court, were actually present to testify to the validity or authorship of what was shown, I believe the correct term here would be hearsay evidence.

Your Honour, it's appropriate at this stage that I ask your Associate to play a portion of a video tape which is a compilation.
[Court Document page 102]

This fact also intrigues me, to find that the videos are not shown in their original format, surely a copy within a compilation is not legal evidence.

The film is now shortly – a section of the film was prepared in slow motion by the police, that now follows, your Honour. It's only a portion of the film that was just played. It was in an attempt to get a clearer view of the accused who can be seen just in front of the farthest bus, at the boot of his car now.
[Court Document page 139]

Again, footage that I would describe as having been tampered with, an appropriate video recorder could show an original in slow motion display.

This first tape was filmed by Mr. and Mrs. Wilkinson from Corio who were attending the site on the day. It starts filming across the roof of the Broad Arrow Café.
Across the car park area and towards the ruins of the historic site, the penitentiary area. If that could be played now, thank you.
VIDEO PLAYED TO COURT
VIDEO STOPPED
Mr. BUGG Q.C.: Your Honour, that shows just to the right of the frame in the middle of the picture the yellow Volvo with the roof rack. That was filmed some time after the initial piece of filming and that is Bryant entering his car and about to reverse his car out and leave the carpark area. If the film could be played on now.
PLAYING OF VIDEO CONTINUED

Mr. BUGG Q.C.: This is a second film taken at the critical time from the penitentiary area and it is significant because of the noise level which can be heard of the gunfire from the café some hundred and fifty –two hundred metres away. If that could be played.
SECOND VIDEO PLAYED TO COURT
Mr. BUGG Q.C.: This was filmed by a Mr. Barry Turner. The four buses that can be seen will become relevant later when I deal with Bryant's conduct in the carpark.
VIDEO CONTINUING
Mr BUGG Q.C.: By then he's moved away from the site and shots can be heard in the distance, which I'll comment about later.
VIDEO CONTINUING
Mr. BUGG Q.C.: Just near that little guardhouse you can see just below the fence two people, one of them is Miss Brigid Cook who was shot and was sheltering there.
Mr. BUGG Q.C.: If that could be stopped now and played forward to the next spot. The rest of that is really not relevant to your Honour's consideration but it does film the arrival of one of the Emergency Services helicopters and part of the evacuation process.
TAPE TURNED OFF
Mr. BUGG Q.C.: Your Honour, what you heard from those two sections of video film which recorded the gun shots was in fact a recording of the shots fired from the moment Bryant picked the gun out of the bag and started shooting in the café.

The first tape, the Wilkinson tape, stopped after fifteen seconds and it recorded seventeen shots. The second tape, the Turner video, as far as the sound of shots in the café is concerned, stopped after twenty-five seconds and recorded twenty-one shots. I tender for your Honour an audio response chart recorded off both films and your Honour will see the sharp, wide, white markings illustrating the timing of each shot and attributed to each tape. But if one goes back to the Wilkinson tape, which stopped recording sound after fifteen seconds, in those fifteen seconds twelve people were dead, one had suffered grievous bodily harm, five were wounded and four had suffered significant injuries in Bryant's attempts to murder them.
EXHIBIT P4 – CHART – TAKEN IN
HIS HONOUR: And all of this was caused by the seventeen shots?
Mr. BUGG Q.C.: Seventeen shots.
[Court Document pages 102,103,104,105]

Your Honour, if that previous video tape could now be placed in the machine, or replaced in the machine – at this stage, people had clearly started to accept the warnings which had been given to them and the directions to them to flee, they started to move away from the café and up the hill on Jetty Road, and I will come to that in just a moment, but if this film could be played –
That's Bryant leaving the site, the amount of shelter is therefore apparent. The maker of this film, Mr Ian McLeod, was sheltering with his wife just off Jetty Road when he took this.
That film needn't be played any further, your Honour.
[Court Document page 142]

The Court may have been disadvantaged with one single viewing.
Having on hand, recordings of the Current Affair specials shown on the 20th November 1996. which was the day that the Court adjourned for the Judge's deliberation, and that of the 24th November, which was the date that the one hour special entitled, *Port Arthur - The Inside Story,* was shown, has proved extremely informative.
What may have been missed in Court, with the disadvantage of a single viewing of each tape, has been revealed with the benefit of replays and comparisons, reference to related statements, and additional information from various sources including eyewitnesses.
Thus, some of the apparent events depicted have proved to be far more informative than what the Court may have been led to believe.
The two sound tracks from the Wilkinson and Turner tapes have revealed the sounds and timing of the initial gunshots, enabling the discovery of a ricochet, and precise timing of each shot to correlate to eyewitness reports.
As explained in the chapter pertaining to shots in the Broad Arrow, the shooting did not occur in the manner explained to the Court.

Another matter is the attire of the gunman, the video taken by James Balasko importantly confirms that he wore a dark coloured jacket with light coloured trousers.

What is not confirmed by the videos is the identity of Martin Bryant as the Port Arthur gunman, the quality is not sufficient to positively identify any distinguishing features.

It will prove most interesting to have a Royal Commission determine exactly what was shown in Court on the 19th and 20th November 1996, it may also prove very informative to analyse the separate videos in their entirety, included in the curious must be the footage that has interspersed the Current Affair specials, whether they were shown to the Court or not, they are undoubtedly of unusual but very related occurrences!

If one was to include videos shown on National Television as proofs of guilt, or as Justice seen as having been done. Then the full footage and the origins of all videos shown to the public, but not connected to those named in Court, should prove of far more interest and intrigue than portions of the Port Arthur Incident as played to the Court!

CHAPTER 31
BALLISTICS EVIDENCE.

Thus a demolition round was prepared so as to obliterate ballistic evidence.
Stewart Beattie ... Gunsmith

One thing is very clear, nothing about Port Arthur was straightforward, and nowhere is this more exemplified than in the Ballistics Evidence. From unsourced weapons to wrong sourced bullets, to the strange condition that the AR15 was found to be in, and from guns that magically survived the inferno to the realisation that ballistic testing had been thwarted on those guns!
One very disturbing realisation is the fact that not one of the 17 weapons examined, was able to be traced back to it's owner or source, despite the fact that Australia has had registration of gun movements for many years. Not even the claimed murder weapons, or the Daewoo shotgun without a given serial number, could be traced or partly traced even, that is, as far as public knowledge goes.

Bullets used at Port Arthur.
There were two types of bullets used at Port Arthur, both .223 calibre or 5.56mm, and .308 calibre or 7.62mm.
The .223 calibre projectile was used exclusively in the Broad Arrow Café, whereas both types of bullets were used in the car park, the .223 was used again to murder the Mikacs, then the .308 was the weapon again at the Toll Booth.

Counting the separate bullet wounds to all the deceased, the gunman discharged seventeen shots into bodies 1 to 12, in comparison to twenty four shots into the other 20 victims inside the café building...
Thirty .223 calibre fired cartridges cases were located in the café, two .223 and two .308 fired cases were in the carpark, plus one received from a bus driver later; six .223 cartridge cases at the access road scene; eleven .308 cartridge cases at the toll booth; three .308 cartridge cases at the petrol station; and nine .308 cartridges at the entrance to Seascape.
[Wound Ballistics Review: Vol 3 No 4: page 40]

Bryant had fired cartridges all fitted with full metal jacket (FMJ) bullets in both .223 (55 grain) and .308 (144 grain) calibre.
[APJ: Dutton Report page 216]

A total of 64 fired cartridge cases in both .223 and .308 calibres were recovered from the various crime scenes.
However, it is my opinion that at least 70 to 80 shots were fired by Bryant (excluding the shots at the Seascape siege) at the many locations.
[APJ: Dutton Report page 214]

Cartridge origins and descriptions.
Here are the details pertaining to manufacture of both cartridges, what is very unclear is the means by which Bryant came by this ammunition, as pointed out in the chapter, *Did Martin Bryant really act alone*

Another matter that is important is the origin of the mysterious demolition round, with technical knowledge required to prepare same, far beyond Bryant's capabilities.

.223

Ammunition and bullet type used, was consistent for each rifle. The .223 cartridges were of Chinese Norinco manufacture, fitted with 55 grain boat-tail FMJ bullets.
The jacket thickness was approximately .022"- .023", whilst the propellant was a flattened ball type powder, the load varying between 25 and 26 grains. These bullets when chronographed, had an average muzzle velocity of 3070 ft/sec.
[Wound Ballistics Review: Vol 3, No 4: page 39]

.308

The .308 cartridges were of Australian manufacture, made at the Ammunition Factory, Footscray, and were loaded with a 144 grain boat-tail FMJ bullet. The jacket thickness was approximately .033" - .034", whilst the propellant in these cartridges were short grey/green cylinders, the load weighing on average 43.5 grains. These bullets when chronographed had an average velocity of 2730 ft/sec.
[Wound Ballistics Review: Vol 3, No 4: page 39]

Cartridge components recovered at Port Arthur.

Basically, the exhibits we had to examine in the laboratory consisted of the following:
Dozens of .223 and .308 fired cartridge cases and hundreds of other fired cartridge cases;
Over one hundred spent bullets and bullet fragments;
[APJ page 217]
This previous extract is somewhat misleading, there were not, ***over one hundred spent bullets*** recovered, in fact there were only two spent bullets recovered; but there were over 100 bullet ***fragments*** recovered.

The only intact .223 spent bullet.

Of all wounded victims, fragments from only seven were recovered for examination. In all but one case, these fragments were tiny pieces of lead or copper jacket weighing only a few grains each. The only exception to this was the bullet from P6, which was in remarkably good condition...
The lone exception involved injury to a 40 year old female who was in the carpark (P6). She had been struck in the right thigh with a .223 bullet. The bullet perforated the muscle and re-entered the left thigh where it was recovered by surgeons. The bullet did not strike the femur of either leg. Although an X-ray of the right leg showed a pattern of radio opaque particles present which was lead squeezed from the base of the bullet, the bullet itself was remarkably intact, (at least in comparison to all the other .223 bullets/fragments recovered). No jacket fragments had sheared off and its retained weight was 45.8 grains.
[Wound Ballistics Review: Vol 3 No 4: page 42]

This was the only intact .223 bullet gathered from Port Arthur, it must have been devoid of suitable rifling markings, because there are no claims of a ballistic match with the recovered weapons from Seascape, this is borne out by the loss of 16.72% of the original bullet mass, keep in mind that the breech of the AR15 had been severely damaged, possibly with the intent of thwarting full ballistic testing.

And because the two recovered weapons were missing the components that leave extraction markings, there was no means by which the ejected cartridges found at Port Arthur could be matched either.

The only intact .308 spent bullet.

Fragments of the .308 bullets were also recovered from the vehicle in which B1 (Zoe Hall) was sitting. One bullet remained virtually intact after having travelled through the left forearm, shattering both the radius and the ulna before re-entering and re-exiting the chest and striking the door pillar.

[Wound Ballistics Review: Vol 3 No 4: page 41]

Body 1 - Female, 28, 56kg, 167cm, Shot three times (.308) from her left whilst sitting in drivers seat (right) of vehicle...

The bullet responsible for this wound was recovered from the drivers door pillar, distorted but reasonably intact, weight: 130.35 grains.

[Wound Ballistics Review: Vol 3 No 4: page 37

As with the.223 bullet that was recovered in, ***remarkably good condition***; this ***virtually intact*** .308 bullet has also lost mass, in this case 9.47% is missing, but also, being lodged in steel, it would be quite distorted, also useless for a ballistic match.

Intact bullets recovered from Seascape.

All of the burnt firearms recovered from Seascape were destroyed beyond any hope of working again, but a small number of spent bullets recovered from the Seascape scene has similar class rifling characteristics present that equated to various burnt rifles found in the ashes.

[APJ page 219]

Here at Seascape, is the only mention of matching rifling characteristics, and only ***class*** matching at best, that is, the type of gun, not an individual match, but these weapons are not important, they may not be the rifles used to murder.

Nowhere in the Ballistics Evidence article in the APJ, does it mention that rifling characteristics were carried out on the assumed murder weapons,

The weapons recovered at Seascape.

Bryant's two murder weapons were also found at Seascape; both extensively damaged but fortunately had not been destroyed beyond salvation. The FN had been smashed and was lying in the gutter of a nearby outbuilding.

The Colt was found in ashes at the periphery of the guesthouse foundations; luckily it had not been exposed to the extreme heat in the centre of the fire as the other firearms and it did not appear too badly affected by the heat.

[APJ page 216]

One would have to ask when Martin Bryant may have placed this smashed FN FAL in the gutter of this roof, it certainly could not have been smashed while up on the roof, the force required to damage it could not be enacted on a flimsy roof, further, the missing components could not be found.

And why, if you damaged and disabled the gun, would you then go to the trouble of placing it on a roof, rather than see it destroyed in the fire.

Likewise the Colt AR15, it had been disabled and was not in a functioning state, was it like the FN FAL, deliberately placed that the police could find it reasonably intact, and also prepared beforehand to prevent full ballistic analysis.

All of the burnt firearms recovered from Seascape were destroyed beyond any hope of working again.
[APJ page 219]
Hmm, the fire was very effective in totally rendering these firearms beyond even simple cursory testing, why not simply leave the AR15 and the FN FAL to the same fate.

Senior Sergeant Morrison, Sergeant Hayes, and myself then viewed the immediate area around the cottage and located a number of firearms.
An SLR was located on the roof of the eastern cottage, another rifle was located inside this cottage on the ground floor. A further rifle was located on the grass to the north of the cottage.
[Sworn Statement: Acting Sergeant Craig Harwood 9th August 1996]

The recovered weapons for forensic analysis included the Colt AR15 S/N SP128807, and the FN FAL S/N G3434, and **fifteen** other firearms from Seascape and from Bryant's house.
Thirteen weapons recovered from the ashes at Seascape were burnt so badly that all moving parts had seized, and only the steel remained.
Surprisingly, the two suspected murder weapons survived the inferno. Even more surprising was the fact that both weapons were damaged, and that both weapons were disabled to the point that extensive restoration was required to enable the guns to undergo simple forensic testing.
Obviously there could be no positive matching of the murder weapons to spent bullets or fragments recovered, despite the existence of a 200 page ballistic report for presentation to Court, the only pictorial evidence displayed in the Ballistics Evidence article written by Sergeant Gerard Dutton, are two pictures of the damaged cartridge case that destroyed breech components in the AR15.
There is not one photo to show rifling marks on any bullet, in the case of ballistic matching, a comparison picture of rifling is the only evidence, but unfortunately, if such evidence exists, then it has eluded my research.

The weaponry that was at Seascape.
Seascape was the ideal location for the siege, obviously this siege was a planned event, rather than the alternative of fleeing in the stolen BMW.
How extremely fortuitous for Bryant that such a ready arsenal of weapons and ammunition existed, even explosives were on hand, especially considering that the two rifles recovered later, the AR15, and the FN FAL, were not functioning, and quite conceivably may have not functioned that weekend.
One must consider the possibility that the actual Port Arthur weapons may have been spirited away shortly after Bryant returned, keep in mind the dark haired person reported by the police, and the fact that the site would not be secured for some 90 minutes yet.

A young man called at the Public Inquiries counter and asked for me. He was to tell me that he was a relative of the Martins, the owners of Seascape and that he had a cache of weapons stored there, and in his words, "Shitloads of ammo mate!"
I immediately took him to be interviewed by detectives.
[EMA Media Management page 121]

Mr Martin said there was no truth in reports that guns used in the massacre may have belonged to him or were stored in the Seascape Cottage owned by his parents..
Mr Martin said he was appalled by reports that he had an arsenal of 43 guns stored in his parents' pretty cottage on Fortescue Bay...
Mr Martin said that when he walked through the remains of his parents' Cottage last Monday he saw a high-power rifle on the roof of an adjacent shed. "It was lying in the spout," he said
[Herald Sun 5th May 1996]

Here is a major problem, despite the knowledge of the anonymous young man that called at Public Inquiries, Glenn Martin knows nothing about high powered weaponry being at Seascape!
And, if the alleged murder weapons recovered were just that, and never were capable of functioning that weekend, then not only would a third party have fired the high power weapons heard from Seascape on the Sunday morning, but it would seem that the same mystery person may have brought along the arsenal of weaponry, leaving them behind while departing with the actual murder weapons.
Think on this, if the recovered AR15 and the FN FAL were not functional, then no shots could have been fired during the siege, thus spoiling the image that they had functioned earlier at Port Arthur, therefore, an arsenal had to be supplied to disguise the non operative rifles. If this hypothesis is incorrect, then why was Bryant not charged with procuring an additional 15 or so weapons?
Someone surely had to own them, the ownership seems to have been swept under the rug by the authorities.
Of some interest also, Glenn Martins' observation of sighting a high power rifle on a roof, this weapon was discovered in the initial sweep of the area.
As soon as Bryant had been secured, a sweeping search was conducted, the SLR or FN FAL was found located on the roof of the eastern cottage, one more rifle was found inside that building, another rifle was on the grass to the North.

To date no mention has been made of the origins of this arsenal of weapons, in a country where registration of serial numbers has been implemented for a long time, since no weapons could be traced back to origins, then the registration system has been an abject failure, which I don't believe to be so.
In fact, the origins of every weapon examined under Forensic Ballistics should be recorded, including the alleged murder weapons, where are the details, there has been no mention of any inability to trace them, surely this would be the first basic step in forensic investigation.

The .223 Colt AR15 S/No SP128807.
Externally the rifle was covered in ashes and all parts had been affected by the heat of the fire. The action had seized with the breech bolt jammed solid at a point just slightly back from the fully closed and locked position. The magazine fitted to the rifle was empty and all the internal magazine components - the follower, spring and floor plate - were missing.
As with the FN, a complete substitute lower receiver assembly from a reference library weapon was fitted to the exhibit rifle, as well as a substitute extractor to the bolt assembly; they enable test firing to be conducted. Of course, any marks left on

test-fired cartridge cases by the replacement extractor were disregarded during comparative macroscopy.
[APJ page 222]

Sergeant Dutton with the AR15 Carbine.

The .308 FN FAL S/No G3434.
Various parts of the FN rifle, specifically the fore-end, barrel and bolt cover, had suffered considerable impact damage, indicating of being struck with force against a hard object. The damage to the front of the bolt cover had jammed the bolt assembly in the rearward position, leaving the action open. The blow had caused the rear of the bolt cover to lift from within its guide slots in the upper receiver and dislodge a 3x-9x Redfield telescopic sight and mount that had been attached.
The entire return spring tube assembly was missing from the rifle, having been snapped off from within the lower receiver. The butt-plate was also missing, which allowed the broken return spring tube assembly to fall from the rear of the butt; ***the assembly was never found.***
[APJ page 220]

The FN FAL Carbine.

Despite an extensive search of a traffic free remote site, this vital part of the FN FAL was never found, this raises a very serious question, was it actually one of the weapons used at Port Arthur, or, was it planted there to provide a link to the crime.
Further, there is no mention of where the ***dislodged 3x-9x Redfield telescopic sight*** was found, one could assume that because the location has been withheld, then the scope was somewhat remote to where the gun was found.

Comment on the surrendered AR15 of Bill Drysdale of Victoria.
As can be understood from the excerpts from the Australian Police Journal, written by Sergeant Gerard Dutton, extensive ballistic testing was rendered impossible because of the damage to both weapons, and yet, Victorian assistant commissioner Graham Sinclair contradicted that information at the time.
Police yesterday dismissed any link between the Port Arthur murder weapon and a rifle surrendered in Victoria.
Victoria's assistant commissioner Graham Sinclair said Tasmanian police had ruled out the connection after ***extensive ballistics testing.***
[Herald Sun: Port Arthur gun link rejected. 11th August 1996]

Handgun observed at the end of the siege.
The following reported handgun was not listed in the weapons found at Seascape.
At 0810 hours I observed the long blonde haired suspect dressed in a heavy black jumper, appear from the south west corner of the house. He ran east for approximately four metres, stopped, turned, and fired several rounds from what appeared to be a handgun, towards the east.
This belief was reinforced by the sight of a muzzle flash, and smoke coming from the end of his outstretched right arm. The suspect then ran back from where he first appeared, and disappeared from my view.
[Sworn Statement: Senior Constable Timothy James 1st May 1996]

The disabling of the Colt AR15.
Martin Bryant was classified as a person with an IQ of 66, with learning difficulties, and no known training in weaponry or shooting, and yet the public are expected to believe that he acted alone, and planned out every facet of the Port Arthur massacre.
He has allegedly selected the two murder weapons with apparent expert knowledge of their different capabilities, and he has certainly used them both with some measure of expertise, changing between them at will, despite the weight, recoil, and trigger differences.
These two weapons have considerable in common, both have not been traced to their origin, both escaped obliteration at Seascape, both have had work performed on them in an attempt to convert to automatic, and both had been disabled to prevent full ballistic testing.
In the case of the AR15, the disabling is a matter of quite some intrigue, also notable is the fact of the magazine being empty, thus only the round that was chambered was in the rifle at the time, hmm.
Externally the rifle was covered in ashes and all parts had been affected by the heat of the fire. The action had seized with the breech bolt jammed solid at a point just slightly back from the fully closed position. The magazine fitted to the rifle was empty and all the internal magazine components - the follower, spring and floor plate - were missing. Damage in the form of a small metal tear was evident to the top rear left of the magazine which prevented removal from the rifle via the magazine well. The bolt catch had to be removed to enable withdrawal of the magazine body from the top of the lower receiver.
[APJ page 221]

As a faulty cartridge was responsible for jamming the AR-15 and preventing any further discharge, perhaps Bryant flew into a rage and smashed it further due to its

faulty condition, not to mention the fright at having the weapon virtually explode in his hands.
[APJ page 225]

This condition is explained in some detail by gunsmith Stewart Beattie, in his work entitled, ***The Weapons of Port Arthur,*** the following extracts give sufficient detail to grasp what has occurred here.
A person or persons unknown, very knowledgeable in ballistics and/or small arms munitions and having access to the following necessary reloading equipment.
- *A suitable bullet puller - to remove the factory fitted projectile.*
- *Pistol or shot powder - having an extremely fast burning rate.*
- *A die by which to re-size the case neck so as to hold the projectile again.*
- *And a loading press to re-seat the projectile in the case.*

Thus a demolition round was prepared so as to obliterate ballistic evidence.

When a cartridge has the projectile carefully pulled, the powder removed and discarded, the case re-filled with a fast burning pistol powder, shotgun powder or Hornet powder and the projectile carefully reseated (and even crimped), it only remains that the round be fired in the chamber of the firearm to totally destroy the characteristics of barrel, chamber, cartridge case, bolt face, extractor and magazine, even the pistol-grip and stock.
[Weapons of Port Arthur]

The photographic (non) recording of the weapons recovered.
Pictures of the AR15 and the FN FAL are displayed in the Australian Police Journal, the AR15 is displayed in black and white, amongst ashes and debris, captioned with, *The Colt AR-15 as it was first uncovered in the ashes*, it is accompanied by a latter picture, *The Colt AR-15 rifle in the laboratory after it had been cleaned.*
Also recorded for evidencial purposes are a number of photographs of the burnt ruins of Seascape, and a picture of the fire gutted BMW.

But, when it comes to the FN FAL, despite it also being found just outside the Seascape Cottage, there is no picture of it where it was found, there is only a post removal picture that depicts the gun in a somewhat pristine appearance, accompanied by the caption, *The FN FAL rifle used by Bryant. Impact damage can be seen on the bolt cover and on the fore-end and barrel.*

The FN had been smashed and was lying in the gutter of a nearby outbuilding.
[Australian Police Journal page 216]

Your Honour, the point two-two-three calibre Colt AR15 semi-automatic rifle that Bryant had used to murder most of his victims was recovered from the wreckage of the Seascape cottage. I refer your Honour to photographs 655 and 656. The FN rifle was discovered on the balcony roof of the small cottage to the south of burnout main residence. That cottage is shown in photograph 401 and 610.
HIS HONOUR: Where do you say it was found?
MR PERKS: On the roof of a small cottage to the south of the main residence. If I refer your Honour to photograph 410, sorry 610, the firearm can be seen on the roof of the balcony.

HIS HONOUR: Oh I see, yes.
MR PERKS: Approximately in the centre of the photograph. Yes, that's it just to the left corner.
[Court Document page 189]

It would appear then, that the AR15 was photographed twice close up, but that the FN FAL was not photographed at all, but does appear within the two photos of the small cottage.
Standard forensic practice is to record original evidence with photographs. While the circumstances of both weapons was somewhat strange, the FN FAL was also missing the vital receiver spring, never to be found, and also missing from public records was the whereabouts of the once allegedly attached Redfield Scope.

It is rumoured that the FN FAL was found by the fire brigade, in a ditch rather than up on the roof. Perhaps the missing photo and the withheld Scope location point to some kind of evidencial problem.

CHAPTER 32
THE NEGOTIATOR, JAMIE, AND HELICOPTERS.

The police hostage negotiator made contact with Bryant on seven separate occasions.
Mr N. Perks for the Crown

This is simply not so, a cursory reading of page 43 as listed below, indicates that the transcript commences at a follow up conversation. Not a small point, after all, this is a Court of Law. There are a minimum of eight, and possibly nine conversations with Martin Bryant, or Jamie, as he called himself while at Seascape.
The Port Arthur aftermath discloses an endless string of inaccuracies that pursued the conviction of Bryant, while any and all facts that may have thrown light on any accomplice/s, were either muddied or simply omitted.
One really has to wonder at the plethora of omissions and distortions during this entire legal process; because the presence of the third party shooter has been buried, every omission or distortion must be viewed in some depth.

During the afternoon of the 28th of April police managed to contact Bryant by telephone and by about 4.30 p.m. Telstra had established a secure telephone line permitting a member of the Police Hostage Negotiation Team to communicate directly by telephone with Bryant. From that time until about 9.30 p.m. when the telephone link failed, due probably to Bryant leaving the Seascape portable telephone off its charging cradle, the police hostage negotiator made contact with Bryant on seven separate occasions. A transcript of the conversations which were recorded is contained for your Honour's reference at pages 43 to 99 of volume 2 of the Crown papers.
[Court Document page 183]

Page 43, the initial page of the negotiator transcript.
Mc Carthy: Jamie?
Jamie: Yes, that's correct
Mc Carthy: It, it, it's Terry, how are you?
Jamie: How are you Terry? I'm alright
Mc Carthy: You're okay are you?
Jamie: Yes
Mc Carthy: Just ringing up
Jamie: <inaudible>
Mc Carthy: Um, I said we'd ring back at about 5 o'clock
[Crown Papers page 43]

As explained in some detail within the chapter Siege at Seascape, not all of the conversations between the Negotiator and Jamie have been transcribed for the pleasure of the Court.

The dialogue took place between 3.20pm on Sunday the 28th April, until approximately 9.30pm the same day. The Court was given the privilege of conversations between 5pm and sometime after 9pm.
While much of the conversation between Sergeant Mc Carthy and Jamie was pertaining to demands for a helicopter ride, there was quite a bit to do with helicopters behind the scenes as well.

From 3pm, when he made the first contact, until 9.37pm, when the phone went dead, he spent more than 2 ½ hours negotiating with Bryant, making 57 telephone calls to the Seascape Cottage where Bryant was holed up.
[The Mercury: The Man on the Phone. 26th Nov 1996]

Jamie had a penchant for a helicopter ride.
Jamie certainly had his mind on helicopters for some reason, one third of the transcript pages mention the topic.
Jamie: Well yo, well I've missed out on a lot rides on these helicopters, don't you understand that?
Mc Carthy: Oh oh I'm so
Jamie: I've got so many books on helicopters you've got no idea but
Mc Carthy: Well, tell me what you know about helicopters. What do you know about the helicopters we have in the State?
Jamie: I've got um first of all I missed out on one about four years ago I buy I was going to buy one for 95,000 it was advertised in the Mercury
Mc Carthy: Ah ah
Jamie: I missed out on that, I'm very upset about that
Mc Carthy: have you have you er done any training to become a pilot?
Jamie: No
Mc Carthy: I'm sorry
Jamie: I buy you can buy a helicopter I've got the money don't you understand I've got the money I've got all the wealth I want
[Crown Papers pages 72, 73]

The helicopters that were flying after dark.
Constable Pat Allen observed the helicopters from Seascape, the following comment pertains to after dark, by then the patients had all been transported, and an exclusion zone had been placed around the area. Obviously this no fly zone would be observed by any Media or other civilian aircraft, so that indicates that the helicopters referred to are possibly military.
Were the Army also conducting exercises in the same area, in the same week?

There were helicopters going around; you couldn't see the choppers, but they were going back and forth all night and it must have been like what it was in Vietnam.
[The Mercury: Officer Under Fire - Constable Pat Allen 26th November 1996]

Helicopters going back and forth all night, like in Vietnam, but the Tasmanian helicopters were not equipped for night time flying, and besides, the last patient was delivered to Hobart at 4.47pm. Also, the area around Seascape was declared a no-fly zone because the gunman was firing at the helicopters from a roof.

The first patient arrived in the Department of Emergency Medicine at 1518, after travelling by helicopter to the Hobart Domain...
Further patients arrived by helicopter at 1527, 1602, 1608, and 1647.
[EMA Royal Hobart Hospital page 52]

Why would there be helicopters flying near Seascape?
Realising that the emergency helicopters had concluded transporting patients to Hobart before dusk, and that they avoided the vicinity because of deliberate gunfire, the question begs, which helicopters, and why would they have a reason to be flying nearby.
The really big unanswered question pertaining to Seascape, has to be how and when the early gunman made his escape from the area!
Could the escape have been planned to utilise a helicopter, obviously a departure by road would be fraught with danger of roadblocks, a waiting boat would have also been a viable option.
With a substantial Police presence surrounding the accessible areas of Seascape, what need would there be for helicopters to even be nearby, it is now dark, no pictures could be taken, no assistance could be given.
Was there yet another exercise in the area that has not been acknowledged in dispatches, was the military in the area? The possibilities are many, only a Royal Commission can possibly unravel the real facts.

The altercation that took place at Seascape.
Despite the amazing occurrence that an altercation broke out at the Seascape Cottage at about 6pm on the Sunday evening, indicating that Bryant was not the only person alive there, it would appear that no one took an interest in this fact, neither the police negotiator, nor the police interrogators later on, took any interest in this facet of the siege.
If there is yelling and shouting, then two or more people are presumably involved, therefore, either one or more of the hostages is still alive, or, there is a third party there that pertains to the earlier preparation of the days events.

At about 6pm I heard the sound of high pitched yelling and screaming coming from the direction of Seascape. There were further shots discharged, and at about 7.20pm I heard the sound of shots being discharged from the house, and then one which sounded as if it was discharged inside the residence of Seascape.
[Proof of Evidence: Constable Patrick Allen]

During the evening I also heard yelling which appeared to come from the building, but could not hear what was said, or whether it was a male or female voice. The sound of breaking glass and other loud banging/crashing noises also came from the direction of the buildings.
[Proof of Evidence: Constable Paul Hyland]

Could hear yelling and shouting in house, could not determine conversation. At one stage saw a female running around the back yard naked, yelling and screaming. There was a dog in the area howling and barking. Never saw the offender at any time.
[Proof of Evidence: Constable Garry Whittle]

Approximately 6.00pm, I heard banging and smashing noises coming from the Seascape Cottage, under Detective Sergeant Morrison's direction, Sergeant Fogarty fired a flare above Seascape, illuminating the immediate vicinity.
[Proof of Evidence: Detective Constable Hedley Browning]

As darkness began to set in, increased activity was noted to come from the main residence, further windows could be heard to be smashed out, the sound of furniture and other objects being thrown from the building, lights could be seen to be turned on and off in the lower levels of the house.
I prepared illuminating parachute flares to be fired to illuminate the scene, Sergeant Morrison authorised me to fire a flare. I then gave a warning order over the radio and deployed a single flare at an elevation of about 75degrees, and fired in the direction approx. 50m north of the house, toward the water side of the building.
The first flare failed to operate, so I loaded a second flare, issued a warning order, aimed at the same elevation and direction, and fired a second flare.
This flare operated correctly and illuminated the general scene of Seascape, the pyrotechnic offered illumination for approx. 30 seconds of intense light.
After firing the flare it was noted that all sound and firing stopped for some time and no movement was detected.
[Proof of Evidence: Sergeant Andrew Fogarty]

So here we have all of this activity, of people yelling and shouting, there is a naked female running and screaming in the back yard, presumably at the same instance, and this prompts a response of firing an illuminating flare, but nowhere in the Negotiator Transcript is there any recognition of this event!
Nor is this extremely interesting situation mentioned in the Court Document, the EMA papers, nor any public media at all.
Surely the negotiator would have been on the phone to Jamie immediately, wanting to know what was happening, whether the hostage/hostages were okay, and if something was required to smooth over the reason for the altercation.

The Transcript dialogue shows that one conversation concluded about 15 minutes before 6pm, nothing in that conversation contained any indication that an altercation was imminent.
The next conversation commenced at 6.15pm, this was 6.25pm on Jamie's watch, obviously 10 minutes fast for some reason, this conversation concluded shortly after 6.28pm.
So here was a 30 minute window during which there was no telephone conversation taking place, and during which it would appear that Jamie has been extremely busy, throwing furniture out of windows, arguing with someone, and the mystery of the naked female in the yard, it must all mean something.
Knowing that the person that fired the guns that morning at Seascape, has to depart the scene before the next morning when only Bryant will be left alive.
Perhaps then, this period would have been a very opportune moment to depart, Jamie/Bryant has been making a lot of noise with the furniture, thus attracting a little more attention from the police, and possibly Mrs Martin may have been kept naked as a control measure, she then overhears the plan to dispose of any hostages before the third party departs, so she makes a run for it and fails, and Glenn Pears may have also

realised his fate and remonstrated with his captors, thus the voices heard by the SOG officers.

Now the police announce the imminent flare, the Radio Scanner in obvious use at Seascape conveys a get ready warning, all night vision equipment will be abandoned by the Police whilst the bright flare is discharged, and, considering that the first flare failed, the total time without night vision observation would now become considerable, quite the opportunity to reach the simple escape path of Long Bay.

Jamie kept control over the preceding phone call.
Jamie: And I'm making them cuppa tea now for the hostages so what if I phone you back at quarter past six, we'll have another talk.
Mc Carthy: Well how about you phone me at ten to six
Jamie: Quarter past
Mc Carthy: Well, how about
Jamie: Bye
Mc Carthy: ten to six
PHONE WAS HUNG UP
[Crown Papers page 56]

Transporting a hostage.
Jamie/Bryant seemed to make a bit of a slip-up with the following conversation, using a word that you would hardly use for a live hostage.
This dialogue occurred during the second last conversation, long after the six o'clock period when the altercation occurred, quite conceivable that Sally Martin has now been murdered, possibly by Bryant's hands, but more likely by the third party.
Mc Carthy: You're right next to the hostages?
Jamie: Yeah
Mc Carthy: Um
Jamie: One
Mc Carthy: Have you fed them? I know you were cooking some er a meal for them earlier on
Jamie: I've moved one of them anyway
Mc Carthy: I'm sorry
Jamie: I've actually moved one of them, transport one of them
Mc Carthy: Um from what from from where they were in the double bed?
Jamie: Yeah, that's right
Mc Carthy: They're now with you are they?
Jamie: Yeah, I've actually transported the female, Sally.
[Crown Papers page 77]

The missing knife.
Here is a knife that has been discussed in quite some detail prior to this conversation, obviously it is a knife that does exist, and yet it was never listed as being found in the ashes of Seascape.
Could this be the hunting knife from the Prince Bag, the knife found with bloodstains on it, is it possible that Bryant only thinks that he has the knife in his possession, and that someone else has already sent it to Port Arthur in the outer Prince Bag.

Jamie: *I don't wanna use a firearm I want jus use this hunting knife.*
McCarthy: *Okay.*
Jamie: *I haven't used it before.*
McCarthy: *What do you mean you haven't used it before?*
Jamie: *I haven't threatened anyone with it.*
McCarthy: *Okay, okay so er do you wanna tell me about this knife so that we know what it looks like so that ya know we're not gonna er be taken surprise. It's not 25 inches long or anything is it? Or*
Jamie: *It's about 15 inches long.*
McCarthy: *About 15 inches long okay. Um*
Jamie: *Inaudible*
McCarthy: *is it um*
Jamie: *stainless steel combat knife.*

McCarthy: *So it's one of those darkened blade type ones?*
Jamie: *Yeah*
McCarthy: *Sort of blackened type?*
Jamie: *yeah. That's right.*

If not for the advantage of *Freedom of Information* [FOI] requests, this book would simply not be possible, the author would be little better informed than those who followed this case in 1996.
This chapter in particular, has proved a real eye-opener with some amazing revelations, mainly from the police that took part in the siege.
Little wonder that these revelations were swept under the rug, the delay involved in extended investigations would surely have lost the impetus to bring in the new gun laws. The knowledge of other parties being involved would have mellowed the rage against Bryant, the inferred *lone gunman.*

The consensus raising hysteria would have been lost, Port Arthur would have been in vain as far as being the vehicle with which to finally change Australia's non centralised gun laws.

CHAPTER 33
THE WITNESS STATEMENTS.

It is easier to perceive error than to find truth,
for the former lies on the surface and is easily seen,
while the latter lies in the depth,
where few are willing to search for it.
Goethe

A number of Statements were taken from survivors on the day of the massacre, and the next day, these were from the most important or involved eyewitnesses. Some people were not interviewed for days and even several weeks, while others were interviewed by their local police upon returning home.
Some survivors gave several statements, with afterthoughts adding certain details, another reason for a further interview was the displaying of the Identity Board.
Originally, the Police produced an identity board on the day after the massacre, this was comprised of only 16 male pictures, and only shown to few eyewitnesses.
Not everybody that viewed the actual carnage at Port Arthur was shown the Identity Board, perhaps certain criteria had to be met before the option was offered.

The Task Force continued until the 16 August 1996 and in that three months interviewed 865 witnesses, obtained 1055 statements, examined in excess of 2000 exhibits, assessed in of 3000 photographs as well as prepared plans and maps, examined all media articles produced around Australia and prepared the prosecution file.
[EMA page 12]

The Statements in the Crown Brief.
There were 235 eyewitness statements in the Crown brief, these were assembled in a chronological order, and divided into three volumes.
Volume 1: Part A: Bryant's Movements Until Arrival At Broad Arrow Café.
Volume 1: Part B: Bryant At Broad Arrow Café.
Volume 1: Part C: Bryant In Car Park.
Volume 1: Part's D to G:
D: Shooting Mikacs.
E: Shooting Toll Booth.
F: Shooting Service Station & Abduction Pears.
G: Shooting Highway Near Seascape.
Volume 2: Seascape Siege & Bryant Arrest. (Includes Negotiator Transcript in part)
Volume 3: Video Interview & Confessional Evidence.

The Port Arthur Photographic Identification Board.
The interviewing police showed eyewitnesses a manila folder with 30 photographs of male persons, this Identity Board did not appear until the 14th May 1996, it was used more extensively than the manila folder with 16 photographs available on the 29th April.

Obviously, people that did not sight the gunman were not required to sight the photographs, and while many eyewitnesses did view the photographs and identify Martin Bryant as being the gunman, the photograph shown depicted the same attire that the gunman wore on the day, and most people viewed the folder after seeing Martin Bryant's picture in Newspapers and on Television.

Eyewitnesses that were not given the opportunity to view the photoboard.
Of quite some interest are the people who sighted the gunman, but were not given the opportunity to view the Identity Board, eyewitnesses who in fact were very close up to the Port Arthur killer.
It can be observed that there is a common link within these Statements, each witnesses made some comment that would not have assisted the Crowns case for prosecution of Martin Bryant.

Jim Laycock was the previous owner/operator of the Broad Arrow, on that Sunday, he observed most of the action in the vicinity of the BMW and the Corolla, and despite knowing Martin Bryant quite well, he failed to recognise the gunman as being Bryant.
I have known Martin Bryant from the age of ten years, until he was about 23 years old, I only knew him as one of the local kids. Whilst he was with the lady (Helen Harvey) he would come into the Broad Arrow, and she would buy him a devonshire tea, and spend a lot of money on possessions, over a five year period they came into the restaurant about one dozen times, always on a Sunday, and always for afternoon tea...
On this Sunday, the 28th April 1996, I did not recognise the male as Martin Bryant.
[Witness Statement: James Laycock 10th May 1996]
Jim Laycock was never shown the Identity Board!

Graham Collyer received serious gunshot injuries in the Café, he gave a description that did not fit Martin Bryant.
He seemed somewhere about 20, he had long blonde bedraggled hair, about 3" - 4" below the shoulder. He looked like he might have had a lot of acne, a pitted face. He had scraggly trousers, I don't remember what colour.
I think I probably would identify him if I saw him again...
I still haven't seen anything in the media about the person who shot me, I have been sedated or sleeping since the shooting, I am still willing to identify the offender if I can.
[Witness Statement: Graham Collyer 7th May 1996]
Graham Collyer was never given the opportunity to identify his attacker.

John Godfrey was waiting outside the Information Centre when the shooting commenced, he viewed the gunman twice and gave a description of the gunman as he drove by, he also watched the gunman put a bag into the boot of the Volvo.
He stated, *In my opinion, the picture I saw in the newspapers, was not the same person.*
[Witness Statement: John Godfrey 7th June 1996]
John Godfrey, who resides in Tasmania, was never shown the Identity Board.

Justin Noble, a member of the New South Wales police force, was near the Café when the massacre commenced.

I began to run east towards the Café area to where I now believe the gunshots were coming from. I then observed a male person whom I would describe as 20-25 years of age, fair (blonde) shoulder length hair, 5'8" to 6' tall, medium build, fair complexion, Caucasian in appearance, wearing blue long pants, with a long sleeved top, walk from the Café with a long rifle held in both his hands, with the butt of the rifle against his shoulder, and the muzzle pointing at a slight downwards angle to the front and away from him.
Detective Bates asked, Would you be in a position to identify the offender?
Noble...I saw him from a side position, I feel confident that I could identify him from that position.
[Sworn Statement: Justin Noble of the NSW Police Force]
Justin Noble despite being the most accurate and reliable eyewitness on site, never got to view the identity board.

Yannis Kateros is related to Jim Laycock who was denied a look at the photoboard.
I don't know whether I could recognise him again, at the time I thought he was approximately twenty eight years of age.
I had never seen the male before, however, upon hearing about the yellow Volvo with the surf board on top, and seeing it later down from the Toll Booth, it is a familiar vehicle to me, and I have seen it in Port Arthur in the past. I have been living in Port Arthur since May of 1991, and I have never seen the male who had the firearm before.
[Sworn Statement: Yannis Kateros 10th May 1996]
Despite watching the gunman twice, and giving a physical description, Yannis Kateros was never shown the photoboard.

Kyle Spruce assisted Justin Noble onsite at Port Arthur.
I would describe the male with the gun as being about 5'9", slim build, shoulder length blonde wavy hair, fairly light coloured skin, he looked like he was wearing light blue faded denim jeans, a yellow coloured long sleeve T shirt that wasn't tucked in...I would definitely recognise this person again, at the time I was seeing the events at the shop, I would have been about ten to fifteen metres away from the Corolla and the BMW.
[Sworn Statement: Kyle Spruce 2nd May 1996]
Despite stating he would definitely recognise the male, he was denied a look at the photoboard.

The Media influence on the viewers of the Photo Identity Board.

Lindsay Richards admitted Media influence.
I have today viewed a folder containing thirty photographs of male persons, and I immediately recognised photo #5 as the person I believe to be the gunman, but I must be honest here with this identification, and say that I have definitely been influenced by media coverage of his photo in relation to an identification. I did not have eyeball to eyeball contact with the gunman.
[Sworn Statement: Lindsay Richards 29th May 1996]

Linda White pointed out the ? coincidental use of Bryant's photo with a shot of the jacket worn on the day. How many people would have identified the clothing worn by the gunman, rather than the facial features of the killer.
On Monday, 27/5/96, Detective Pratt showed me a folder marked "Port Arthur Photographic Identification Board No 5". This folder contained 30 pictures of male heads. Photograph no 5 in this folder is the male who shot us near Port Arthur.
The top the male is wearing in Photograph 5, is a top that is very similar to the top that the male was wearing. It could even be the same top.
[Sworn Statement: Linda White 27th May 1996]

Mick Wanders may have been influenced by the power of the press, from not able to identify on the actual day, to seeing several photos in the Media and performing a positive ID four weeks later.

I would not be able to identify the person who shot at us.
[Sworn Statement: Michael Wanders 28th April 1996]

The male would have been about 10' in front of the BMW, and he was standing in front of the BMW, and he was standing in line with the driver's side of the vehicle. The BMW was parked on the verge, completely off the road.
I didn't take much notice of the vehicle or the male, I first thought it seemed a strange place to park...
The male person who shot at us had long blonde hair, I remember this because the male brushed his hair off his face as he was in the process of shouldering the gun. I didn't get a good enough look at the male to see how old he was or what he was wearing...
I have seen several photographs of the person responsible for the Port Arthur incident in the papers and on TV. The person shown in these pictures is the same person that I saw standing in front of the BMW on 28/4/96 with the rifle...
On Monday 27/5/96, Detective Pratt showed me a folder marked "Port Arthur Photographic Identification Board No 5" which contained 30 photographs of male heads.
Photograph no 5 is the person who shot at Linda and I on 28/4/96.
[Sworn Statement: Michael Wanders 27th May 1996]

Brigid Cook commented on the Time Magazine article.
I have read an article in Time Magazine, and have viewed a photograph of Martin Bryant within this article,, so if I chose Bryant in a photoboard, I would be very influenced by this article.
[Sworn Statement: Brigid Cook 29th April 1996]

Peter Grenfell did not give a positive ID of Bryant.
I have been shown a photographic identification board by Detective Ghedini, and I can indicate that photographs number five and twenty six are very similar to the male who was carrying the firearm, and shot Nannette and her children at Port Arthur.
[Sworn Statement: Peter Grenfell 29th May 1996]

Hearsay and the corroborating Sworn Statement that is missing.
The Crown introduced hearsay with an unidentified or anonymous witness, further, despite stating that the police were able to track him down and obtain a Statement, the Statement of this Asian gentleman does not appear anywhere in the Crown brief.
And why we say that is because another witness in another part of the historic site shortly after this saw an Asian gentleman who had blood splatters on him who said that he had been sheltering in this area of the shop and a shot had been, well the gun had been pointed at him and the trigger pulled, but the gun didn't fire.
Only three days ago the police were able to track him down and obtained a statement from him but that would appear to have been the situation, that he luckily found himself confronted with certain death and the gun either misfired or struck empty.
[Court Document pages 116, 117]

The Taiwanese man described below is obviously the person concerned, this is the only reference at all in the Crown brief to this gentleman.
A second hand account, or hearsay reference, cannot be used in a Court of law.
We had just arrived at the Penitentiary when a Taiwanese man who was obviously in shock, came into the Penitentiary and told us that he had escaped from the Café, when the person with the gun had stopped to reload. He said that a number of people had been shot in the Café, and I could see that he had blood on his clothing, he had a lot of blood on his back and one shoulder.
[Sworn Statement: Alison Chin 31st May 1996]

Items that are not mentioned in the Court Document.
It seems that the police have asked about this video, what connection does it have with Martin Bryant and Port Arthur, and who is the person in the photograph, and what how does he fit into the overall picture.
I have heard of a video called The Streets of Laredo, but I've not seen it at Martin's house or watched it with him to my knowledge.
I have viewed a black and white photograph shown to me by the policewoman, the eyes look familiar, but the only guy I've met who looks this age, which is a friend of Martin's, is the guy that works at the xxxx-shop, I think xxx xxxxxxx in Elizabeth Street.
[Sworn Statement: Petra Willmott 4th June 1996]

The Blue Box
The connection or relevance of this blue box was never referenced in Court.
I have also been shown a blue cardboard box, I have never seen this box before.
[Sworn Statement: Angelo Kessarios 16th July 1996]

Wallet or Money Tin
It would appear that purchases pre Seascape were made with small change from a tin in the car, and from Bryant's pocket, whereas after Seascape, two fifty dollar notes were produced. Bryant's passport was found in the Volvo, and then Jamie said he had a copy of the passport in his wallet at Seascape.
Further to my statement which I made to Police in relation to the Port Arthur incident on the 2nd May 1996. I wish to add that on the afternoon of Sunday the 28th April 1996, I was shown a passport by Detective Peter Hesman which contained a photograph of a male person named Martin Bryant. I wish to state that I recognised

the photograph of Bryant as being the male who paid his entry fee at the Toll Booth to me at around 1.10pm to 1.15pm, on Sunday the 28th April 1996.
[Sworn Statement: Aileen Kingston 17th June 1996]

After a few minutes he came back into the shop and he had a kind of biscuit tin with him. It had an open top and I could see that it had a lot of varying types of coins in it, he asked me whether it would be alright if he paid in five and ten cent coins, and I said that it would be alright.
[Sworn Statement: Gary King 17th May 1996]

The male got out of the Volvo and asked me for fifteen dollars worth of petrol. I put the petrol in and he paid me with a ten and a five dollar note, after which he headed off in the direction of Port Arthur.
I don't think he had a wallet, as all I saw was him pulling out the fifteen dollars from his trouser pocket.
[Sworn Statement: Christopher Hammond 9th May 1996]

The man said, "Have you got anything to sell?" I presumed that he meant marijuana and reached into the glovebox and showed him a small satchel which I had. He said, "How much". I said jokingly, "Fifty dollars will do". He then pulled out fifty dollars and gave it to me, I didn't believe he was a smoker because he didn't know he had paid too much for such a small quantity and quality...
[Sworn Statement: Gaye Lynd 30th May 1996]

I was expecting an argument about the entrance fee from the Volvo driver as he looked to me that he didn't have a lot of money.
This didn't eventuate, and the driver produced $50.00 and I gave him the change with the tickets as well as a briefing, and he then drove off towards the site.
[Sworn Statement: Aileen Kingston 2nd May 1996]

McCarthy: Now you've given me your name as Jamie and ar we both know that that's not correct or you've told me it's not correct. Are you prepared now to give me your correct name?
Jamie: Not really no I
McCarthy: Why not?
Jamie: I'll tell wha right on seven o'clock in the morning I'll give you my I've got my passport number and I'll passport on me um
McCarthy: Well you prepared to give me your
Jamie: Oh sh
McCarthy: passport number?
Jamie: Shit could be.
McCarthy: Have you got your passport there?
Jamie: um in the glovebox. No no but it could be in my glovebox in the car but ah
McCarthy: Where's your car now?
Jamie: Ah I've got a photocopy of it in my wallet but I'll phone I want you to guarantee that you'll have one in the morning early
[Negotiator transcript]

There has been no indication that Bryant had a wallet when captured at Seascape, why would he have the fifteen dollars petrol money in his pocket if his wallet was on his person, the whole money/wallet thing is very unclear.

Theory on why the Volvo rear window was shot out.
It is possible that the window was removed to minimise the severe shock wave of shooting a centrefire rifle from within the confines of a car, if so, this indicates an awareness of ballistics well above simple Martin Bryant.
He then ran back to his car, and he either punched or smashed the driver's window to his car, because I heard glass break.
[Sworn Statement: Colleen Parker 2nd May 1996]
Photographs of the Volvo clearly show the back passenger window to be missing.

The Statements that cannot be found in the Crown Brief.
To have a complete and balanced picture of what did or did not occur at Port Arthur, it was essential to reconstruct the event from eyewitness testimony. To omit the Statements of key witnesses from the Crown Brief and thus obscure facts that may not have served the cause of an easy conviction, is not what the average citizen expects from the Justice system.
A previous page has pointed out the absence of a Statement from the *unidentified Asian gentleman.*

Other notable eyewitnesses, whose Statements do not exist in the eyes of the Crown, are, Glenn Martin, who emphatically denied ownership of the Seascape arsenal.
Terry Hill and Stuart Woods, gun dealers from Hobart, who both spoke to Martin Bryant about weapons prior to the incident on Sunday 28th April 1996.

Barry Turner, whose video was used in Court as evidence.

Wendy Scurr, who spoke to the gunman just before the massacre in the Café, and who made the initial 000 call, and was the first into the Café to help survivors.
John Godfrey, who sighted the gunman twice near the Café, and observed much of what happened in the car park.

Julie and Virginia from Sydney, who booked in to Seascape between 3.15pm and 4.30pm on Saturday the 27th April, they left at about 9.30am on the 28th April, their observations may be critical.

Don Hazell of Tigerline Buses, who reported Bryant enquiring about a bus to Port Arthur.

SOG Police whose Statements do not appear are those of...
Inspector H. Timmerman
Detective Sergeant J. Morrison
Sergeant M Cocker
Sergeant Paul
Sergeant Hayes
Senior Constable Empey
Constable M Cocker

CHAPTER 34
SHOOTING SUPPLIERS.

I was shocked and asked him why he was
carrying the rifle around in a loaded condition.
Terry Hill, describing events of the 24th March 1996

Consider that Martin Bryant showed extreme skills at close quarters combat in the Café. Also that he was knowledgeable with Night Scopes, knew enough about bullet characteristics to select the different rifles or carbines for the task, and was adept enough to shoot wrong handed, mind you, instinctively from the hip.
That he was the common factor to both weapons used at Port Arthur, presumably then he has made the attempt to convert both rifles to fully automatic, and in the case of the AR15, that he was able to prepare a specially primed cartridge.
One would have to wonder why this well versed expert in all phases of rifle usage and preparations, would be ignorant enough to present a fully loaded rifle to a gun dealer for repair, barrel first at that!

Nonsense of course, as if someone with such a low IQ and learning difficulties like Bryant could be so proficient and knowledgeable with ammunition and guns, something just fails to ring true here.
There are no reports to suggest that Bryant received any help or training, no rubbing shoulders with other shooters, and he was not a member of any shooting club. What normal person would have been able to self teach all these skills from magazines?

Mr Hill said that on 24 March last year, Bryant brought an AR-10 rifle into the shop for repair, presenting it barrel-first to the dealer, who found it loaded with soft-point ammunition, including a round in the chamber.
"I was shocked and asked him why he was carrying the rifle around in a loaded condition. Before he replied I asked him had he a licence for the rifle. He then pulled out a normal Tasmanian-type photographic licence. I took it from him and inspected it. The licence was for prohibited and automatic weapons.
[The Age 21st October 1997]

Source of the AR15 Carbine.
Legal precedents usually demand that a person be proven guilty beyond all doubt. Among the many failures to do just that in the Port Arthur aftermath, was the very tenuous and unsubstantiated gun connection with Terry Hill.
Having read all documents in the public domain, including the entire Court Document numerous times, it is plainly obvious that the prosecution had absolutely no means of proving that Martin Bryant ever purchased the AR15 murder weapon.

With Tasmanian law requiring that a gun dealer sell weapons only to a registered or licensed person, this should have been a simple matter to verify if the gun had indeed been purchased by Bryant.
If Terry Hill had actually listed the AR15 as being part of his stock on hand, then he would have something to answer for. Obviously the Police would have scrutinised his Register for the guns, and just as obviously, standard Police practise would have

sought anomalies by comparing all guns on hand to what was described in the stock register.
This must have proved fruitless, as Hill was never connected to the AR15 murder weapon, nor was he connected to the FN FAL, if there had been any connection, then he would have had charges to face, this has not occurred.
In fact, no dealer or source has ever been found, let alone proven, for either weapon.

The closest link to the murder rifles is the one claimed by a Mr Drysdale of Victoria, who surrendered his AR15 to the Yea police in Victoria early in 1993, that his weapon was the one at Port Arthur, identical to his former weapon, down to the special mark placed on the barrel by a gunsmith.
His gun was not only an AR15, but it was a Carbine version, the same as was used at Port Arthur.
This same AR15 was admittedly used by the Special Operations Group in Victoria, this was despite initial claims that the gun had been destroyed, this claim was later retracted, one would have to wonder as to whether the same weapon turned up as the Port Arthur weapon a year later.
Certainly a perplexing mystery, one that took an even stranger turn before the portending trial of Martin Bryant that was scheduled for November 1996.

Persecution of Terry Hill.
On the 6th June 1996, John Avery, legal counsel for gun dealer Terrence Hill wrote the following letter that attempted to persuade Hill to admit that he sold guns to Martin Bryant.

Dear Sir,

We write to confirm that we attended with you at Police Headquarters this morning when a discussion was had with Inspector Ross Payne and other Police Officers.

We made it clear to those Police Officers what your position was, namely that at no time had you sold any guns to Bryant, but that you had sold ammunition to him but on each occasion he had shown to you a gun license which, of course enabled you to sell not only ammunition to him, but guns as well.

In a private conversation that was had between the writer and Inspector Payne, Inspector Payne made it abundantly clear that Police have very strong evidence to suggest that you did in fact sell guns to Bryant and unless you are prepared to in effect change your story, they will press on and try and find sufficient evidence to charge you with some offences.

However, it was also made abundantly clear that the Director of Public Prosecutions is prepared to offer you an indemnity against prosecution if you are prepared to accept that you did sell guns to Bryant.

Quite clearly you need to very carefully consider your position over the next few days. If indeed you did sell guns to Bryant but that at all times he showed to you a gun license, then of course you will have committed no offence at any rate. If on the other hand you did sell guns to Bryant and you were aware that he had no license, then

clearly you have committed an offence but the indemnity being offered to you would ensure that you are not prosecuted for any gun offence.

Yours faithfully
JOHN AVERY

This threat was made good by the Tasmanian Police when on the 2nd November 1996, they raided his shop and confiscated guns worth $80,000 and revoked his gun dealership license, ***because he did not comply with legislative requirements relating to gun dealers.***

How desperate must the DPP have been to try and connect the AR15 to Martin Bryant that even the defence was endeavouring to have the murder weapon fitted to his own client.
And how fortunate it must have been for all concerned parties when Bryant gave in to the persistent coercion to change his not guilty plea, and finally pleaded guilty, thus removing the onus of trying to prove the impossible task of connecting Bryant with the murder weapon.

Shooters License.
Following the sentencing hearing of the 19th and 20th of November, it was reported in the newspapers that Bryant had stated during the police interrogation, that he had been able to purchase the AR15 and the Daewoo shotgun from Mr Terry Hill without being asked to show a license.
Mr Hill explained to the Age that although he had sold ammunition to Bryant after asking to see a license, he had never sold him guns, this occasion was four days before Port Arthur when Mr Hill sold three boxes of shotgun ammunition.

When Martin Bryant brought his AR10 in for repair on the 24th March 1996, and presented it barrel first to Mr Hill who then discovered it loaded with soft point ammunition, including a round in the chamber.

Mr Hill was shocked and asked him why he was carrying the rifle around in a loaded condition, he also asked Bryant if he had a license for the rifle, he produced a normal Tasmanian type photographic license, upon closer inspection it was marked for prohibited and automatic weapons.

So here we have a real quandary, Terrence Hill was quite emphatic and detailed in his description of Martin Bryant's ignorance of how to carry, unload, and safely present a gun; he was also quite vivid on the name of Martin Ryan being on the license, and to the type of weapons permitted by that license.

And on the other hand we have the official line that there was no license issued to either Martin Ryan, or to Martin Bryant. This statement may be correct, and that then begs the question of **where** did Martin Bryant obtain the Tasmanian license, and was it then a forgery, and if so, who could have supplied it to Bryant.

Writ against Terry Hill.
A further development occurred in August 1997, when Mr Neville Quinn, a survivor of Port Arthur lodged a writ against Terrence Hill for damages, it was claimed in the writ that Mr Hill was negligent in selling a gun to Bryant.
A man who was shot in the neck during the Port Arthur massacre would sue the gun dealer who allegedly sold Martin Bryant his high-powered rifle, it was announced yesterday.
Mr Neville Quin, who was on a bus in the Port Arthur car park when Bryant shot him with an AR15 semi-automatic rifle, would claim damages from the gun dealer, Mr Terrence Hill, a statement from the Tasmanian Legal Aid Commission said.
The statement said Mr Quin would claim Mr Hill negligently sold the military-style weapon to Bryant, who did not hold a gun licence at the time.
"It will be alleged that Hill should have foreseen that the supply of a military or military-style weapon, together with military ammunition, to an unlicensed person was dangerous to members of the public," the statement said.
[The Age 1st August 1997]

Mr Hill denied the charges stating that he never sold a semi-automatic AR-15 rifle, a telescopic sight and ammunition in January 1996, or ever selling Bryant firearms at any other time.
Mr Hill asked in October to have the judgment ordered against Mr Quinn, or that the statement of claim be struck out on the grounds that it discloses no reasonable cause for action against the defendant.
[The Age 21st October 1997]

On the 29th of October in the Tasmanian Supreme Court, Justice Peter Underwood formally dismissed an application from the former gun dealer, Mr Terrence Hill, to strike out the case.

On the 5th of March in 1998, the writ was discontinued with agreement that Hill would pay none of Quinn's expenses.

A strange quirk is the fact that Neville Quinn described his encounter with the gunman at Port Arthur with the following observation, *He appeared to me to be the best trained army guy I've ever seen, his stance was unbelievable, he wasn't much taller than me, and I'm 5'7" tall, a fraction heavier than me, I was just under 12 stone.*
[Sworn Statement 18th July 1996]

Source of the Port Arthur ammunition.
And then there is the matter of the ammunition supplied to and used by Bryant at Port Arthur, the law in Tasmania required that a valid license be sighted before ammunition can be sold, whereas for sale of the firearm, the license details will be recorded as well as personal details.
Whether the ammunition was sold by Terry Hill or another gun supply shop is somewhat immaterial, what is important is the possibility of Bryant actually having a Tasmanian gun license, whether valid or forged.
Of extreme importance should be the circumstances by which the half full crate of Norinco .223 ammunition with labels that read, *"29997 xxxxxx xxxxx antique firearms $6-00"*, came to be in Bryant's Clare Street house.

Source of the weapons and ammunition used at Seascape.
Just as the source of the murder weapons used at Port Arthur remain an unproven mystery, so too it seems was the arsenal of guns, ammunition and explosives used at Seascape during the siege.
Considering that Seascape is within Australia's smallest state, and an island one at that, surely at least one of the recovered weapons should have had it's origin from a dealer in Hobart or somewhere in Tasmania, but no, not one weapon was traced back to any supplier, unbelievable.
Not one weapon had a proven connection with Martin Bryant. Not one had a connection with the Seascape property, the owners, or their son Glenn Martin, and yet there they were, thirteen burnt weapons, the AR15, the FN FAL, and other undisclosed guns. Not even the AAA SAR .223 recovered from the Clare Street residence was traced.

The world's worst mass murder, not one gun dealer is charged, not one weapon is traced, let alone connected with the supply of so many weapons, something is very wrong here.

CHAPTER 35
THE DOOR THAT COST SEVEN LIVES.

The lock is a Lockwood 930 series fire escape lock.
Brian Measday

On the day of the massacre, there was an external door to the gift shop of the Broad Arrow Café that was inoperable.
Three bodies were discovered huddled against this closed door. Another four people that died in the gift shop would have also looked at the impossibility of escaping through this exit to the outside.

Following the television media screening news and current affairs articles pertaining to this possibility, the Port Arthur Management Authority released a special staff memo on the 20th February 1997.
This memo provided a number of disclaimers to lessen the onus or responsibility of the staff & management, it was stressed that the door in question was not actually defined as a required exit by building regulations, and that the door was not in use that day, and that the door could not be misinterpreted as a public exit.

The memo also explained that the door latch mechanism was inoperable, where the internal handle moved as normal, but the latch bolt failed to connect and retract, and that there was some debate amongst staff as to whether the door failed on the day or at some prior date.

The memo also speculated on whether the victims would have indeed been safe had they escaped to the outside, quoting the premise that the gunman could have also used the door and pursued people and gunned them down outside, surmising that they might have only got two steps outside before being gunned down in similar fashion as inside.

This would hardly have seemed a debatable point to the seven victims at the time they were thwarted at escape, they may have had 30 or more seconds warning during which they may have well made a successful escape. Debate as to whether the victims could have or could not have escaped should not be decided by those who were not there, far more important is what should have been the circumstances on the day!

The Broad Arrow Café was in use as a public type building where the safety of the general public must be considered, and while the authority may state that the door was not a required exit as required by building regulations, the fact is that the door was an outward opening exit, and further, the lock was a **fire escape lock**, thus, morally if not legally, there is a requirement that all externally opening exits be functional.

Following concerns relating to the door, the DPP Damian Bugg engaged Jacksons Security of Hobart to examine the lock.
The Senior Locksmith, Brian Measday gave his report to Mr Bugg on the 20th July 1997, in which he stated that, *The lock is a Lockwood 930 series **fire escape lock**,*

either a 936 or a 929, the exact identification being made impossible because of the absence of the internal handle.
Further, the report explained that, *Corrosion has occurred within the latch body which would cause difficulty in retracting the latch.*
And, *A crack in the spindle housing (latch retractor) would have created tension within the latch mechanism making it difficult for the latch to retract.*
This extract gives a far different picture than that portrayed by Damian Bugg in his report of the 23rd July 1997 that follows.

I delivered the lock to the premises of Jacksons Locksmiths, Murray Street, Hobart at approximately 1.45 p.m. on Thursday the 17th July and requested a report on the functioning of the locking mechanism. I attach a copy of that report dated the 20th July 1997 (Attachment No. 3).

I quite appreciate the problem in expressing an opinion without the door and lock being in place but the Jacksons report indicates a basis for the malfunction of the lock on the door on the 28th April 1996.

I refer you to the summary, by way of conclusion, of the Senior Locksmith at Jacksons, Mr Brian Measday where he says in the report,
"Without having examined the lock fitting and the door jam into which it was locking, it is difficult to give a full assessment of how the lock was actually functioning in every day use, however it is my opinion that although this lock may have been difficult to operate, it would not have been impossible to open the door."

Amazingly, Mr Bugg has completely omitted that part of the report that describes the lock as a fire escape lock, he has simply recounted that which was already known on the day, that the lock was malfunctioning.

So, regardless of what the legal requirements may have been under the building code, and despite concerns by the Port Arthur site, or by the DPP or the Court, the fact remains that the door did indeed prevent 7 people from escaping, and that the door in question was indeed an outward opening door with a fire escape lock, and commonsense shall always dictate that such a door should not only be kept in good working order, it should also be subjected to periodical testing just as fire extinguishers and other items pertaining to public safety.

The following related items were reported in The Age.
Three bodies were found huddled against the closed external door to the Broad Arrow Cafe's gift shop. Another four people murdered in the shop may also have looked to it as a means of escape.
Fourteen months after the shootings, it symbolises the Port Arthur divide. It is a focus of anguish for those who must know whether fewer than 35 might have died had it opened.
Mr Doyle, a local government troubleshooter appointed in February to examine Port Arthur's troubles, found the memo in bad taste. After hearing what he said were complaints about the door continually raised by a large majority of people, he too disputed its conclusions.

"A door is a door," Mr Doyle said in this week's report. On 28 April people may well have seen it as their chance of escape from Bryant. An investigation should examine the chance of escape, the legalities of its closure, and address comments like those in the memo, to assist in healing and recovery. He warned that the alternative to this and other unanswered concerns, may be years of individual and community unrest.
[The Age 27th June 1997]

The Doyle Report June 1997
This report is quite diverse and all encompassing, covering matters ranging from victim support and compensation, to financial aspects of site management
Below are the extracts that pertain in particular to the door in question

On February 25, 1997, the Crown in Right of the State of Tasmania appointed a Special Commissioner to identify major issues and make recommendations affecting Port Arthur and to fully address the community recovery process on the Tasman Peninsula following the events of the April 28, 1996 Tragedy.

Mr Maxwell Gordon Doyle was appointed Special Commissioner.

Much concern has been expressed by so many individuals regarding a door in the Broad Arrow Cafe which had been reported as being deficient in its operation. The need to effect repairs to the locking mechanism had not been considered by the organisation as an important issue at the time and consequently the door was not able to be opened from inside the building on the day of the massacre.

Staff have advised that they used the door regularly as did workmen working on the building. Several bodies were found at the doorway and the two staff employed in the building on April 28, 1996, who lost their lives, would not, in the opinion of many people, have attempted to escape via the door knowing it would not open. Security and maintenance programmes need to be addressed.

Consequently, there is a real demand for the door issue to be fully addressed by some form of judicial enquiry.

It is recommended that a matter of special consideration is the requirement of an official investigation into the reported failure of the Authority to maintain the door lock mechanism in a door at the Broad Arrow Cafe.

The Commissioner would make the strongest recommendation that this issue be the subject of a full and proper enquiry.

To this very day, such an Inquiry has been thwarted by the authorities.

Bugg Report 23rd July 1997 response to the Doyle Report
On the 30th April 1996 a carpenter employed by the Authority was required to paint out the windows of the Cafe building and secure the doors and windows (with the exception of the disabled persons entrance door) against unwanted entry. This was effected by nailing the doors and windows to their frames.

At the time this was done the person concerned, who had heard of the suggestion that the door had not opened, check the lock with the aid of a Police officer who was inside the building at the time. The Police officer operated the handle from the inside, whilst the carpenter examined the tongue of the door locking mechanism from the other side.
The tongue moved slightly but would not retract sufficiently to enable the door to open.
Here, Mr Bugg's own report confirms that the door was inoperable.
So the survivors stated the door was locked, I am sure that when your life was hanging in the balance on that Sunday, whether you called a inoperable door locked or whatever would be of little consequence.

At page 109 of the transcript I said, "Another couple, Peter and Carolyn Nash, were also in this area of the premises. They moved to the door out of the gift shop area but, unfortunately, that door was locked".
I accept that, on a consideration of the additional material provided to me, that statement of fact was not correct.
I was briefed by the Police about the status of the doorway on the afternoon of the 28th April 1996 and informed that the door was locked for security purposes against petty theft.
I have informed most persons to whom I have spoken during this Inquiry that whether the door was locked, jammed, malfunctioning or whatever it was not, in terms of a Police investigation of the criminality of Martin Bryant, a matter of any bearing upon the resolution of the issues which would arise in a prosecution of him for the crime of Murder and that whilst that should not indicate a lack of concern as to the accuracy of the facts stated to the Court I hope that the persons to whom I was speaking understood the reason why the exact problem with the door was not investigated beyond that point by the Police as part of their investigation into the criminality of Martin Bryant.

> *"(x) The Authority will ensure the health, safety and welfare of its staff by;*
> *(i) providing, so far as is practicable, a healthy, safe and risk free work environments and*
>
> *(v) maintaining places of work under their control in a safe condition and providing and maintaining safe entrances and exits."*

Because of what I have already said in relation to the Building Code it could not be suggested, in my view, that the three exits available on that day were insufficient to satisfy the requirements of that policy.

Again, playing with correctness of legal requirements would prove of little solace to someone seeking escape on the day, if there is a door there, then the fact that another door is the actual one adhering to the Building Code, would be quite immaterial if you are cornered with no retreat, whether it be a gunman or a building fire, and considering that this particular exit door was fitted with a fire escape lock, it bloody well should have opened, no ifs or but's, it bloody well should not have malfunctioned!

Loss of Lives near the Door

At page 59 of his report the Special Commissioner said, "Consequently, it has been put to the Commissioner that, on the day of the shootings, some 7 people in the shot area had rushed to the door are and had been shot at that spot."

I have interviewed 3 women who survived the shootings who were present in this area of the Broad Arrow Cafe at the time Bryant started shooting. 2 of them lost husbands who were with them at the time and the other woman state that the persons who were killed near the doorway were there when she and the other two women sheltered behind the screen.

There were 4 persons at the doorway in the "air lock" area. Two survived. From their statements it is clear that at least 2 of those 4 persons tried the handle on the door (one was shot and one survived). I am not able to relate that incident with any precision to Bryant's location in the restaurant. I have previously been provided with medical reports suggesting that I should not interview one of those survivors near the door. I have not attempted to do so this time.

A third body, in the doorway marked (a), was that of Mr Ronald Jary who I understand, from comments made by his widow, had not attempted to exit the door. His body fell in that doorway marked (a).

In attempting to determine the correctness of the assertion put to the Special Commissioner and quoted above I can only repeat the facts and details previously stated.

At the doorway there were 4 persons, 2 were shot and 2 survived. Near the doorway, marked

(a) in Attachment No. 1 Mr Jary was shot and killed.

Three persons hid behind the screen and survived.

Mrs Neander and Mr Lever were shot in the locations previously described. There is no evidence, in fact the contrary appears to be the case, that Mr Lever, Mr Jary or Mrs Neander "rushed" towards the door.

The sixth and seventh persons, Miss Burgess and Mrs Howard were behind the counter when shot. If the door had been operable and if they had moved towards it they would have been behind all the people I have mentioned. I am quite confident, based on the observations made of Miss Burgess when she motioned to others to get down, and the brave conduct of many other staff at the Site on that day, that both Miss Burgess and Mrs Howard would in all probability have been attempting to shepherd or move the older people to the door if it had been operable.

If I am right about that then, because Mrs Neander and Mr Lever where shot in the locations described, I think there is every likelihood that Miss Burgess and Mrs Howard would have been behind them and travelled no further than Mrs Neander (who walked with the aid of a stick) and Mr Lever.

Mr Bugg has just explained that the following people were amongst those seven referred to, Ronald Jary, Gwenda Neander, Leslie Lever, Nicole Burgess, and Elizabeth Howard, who were all killed.

And then there were three more people who survived by hiding behind a screen, that would be Coralee Lever, Vera Jary, and Jenny Moor.

That however, gives a total of eight people, not seven, Mr Doyle was not referring to the survivors, he was quoting the numbers actually killed near the door.

Also in the area were Sandra Vanderpeer, Beverley and Peter Kelly, Ron Neander

And Mr Bugg has also excluded the unidentified Asian gentleman who was quoted in the Court Document, and Peter and Carolyn Nash were also very fortunate indeed to escape.

However, I do not construe Mr Doyle's assertions to refer to those people anyway, I see it that the people found dead near the door, were in fact, Ronald Jary, Pauline Masters who was not included by Mr Bugg, and Peter Nash who was also not included, Leslie Lever and Gwenda Neander.
The other two were Nicole Burgess and Elizabeth Howard, they were killed nearby at the counter in the Souvenir Shop.

The day must be rued that another disaster of any kind that traps victims behind an inoperable door. The resultant loss of life may well come to haunt the Tasmanian authorities that have continually thwarted the full and proper Inquiry requested by Commissioner Doyle.

CHAPTER 36
THERE HAS NEVER BEEN A CORONIAL INQUEST.

Lying is done with words, and also with silence.
Adrienne Rich

The Tasmanian Coroner, Mr Ian Matterson, made the following statement pertaining to informing the public.
In dealing with a scene such as Port Arthur there is the obvious need to ensure the media have access to information. In our favour was the fact the Government's Media Liaison Unit co-ordinated all media personell. One accepts the public has a right to know.
[EMA Seminar: Coroner's Responsibilities]

I agree wholeheartedly with Mr Matterson's sentiments, unfortunately though, the Coroner appears to have been thwarted somewhat in his zeal for public knowledge.

The Coronial Inquest into the 35 deaths at Port Arthur was waived with the influence or coersion of the Prime Minister John Howard, this was clearly a breach of the law as the Coroner comes under State jurisdiction, whereas John Howard is a Federal Politician, which raises another matter, according to our Constitution the areas of responsibility are clearly defined, a Politician may not interfere with judicial matters.

Also, an Inquest is required by law in Tasmania, it is a requirement that cannot be waived by a State Politician, nor by the Judiciary of that State.
The only stipulations are that the Inquest be adjourned once criminal charges are laid against a suspect, but that once the trial is concluded, then the Inquest must return a finding that is consistent with the jury's determination.

The following information is extracted from the Tasmanian Coroners Office and from the Tasmanian Coroners Act 1995, the information contained within should leave no doubt as to the fact that an inquest was required by law into the deaths at Port Arthur, the law is quite clear on this matter.

The Coroner's Office in Tasmania is staffed by four Police Officers, known as Coroners Clerks. Two are situated in Hobart and the other two in Launceston.
They assist the Coroner and liaise between Police, Medical staff, the legal fraternity, families and the Coroner. They also visit scenes with the coroner and complete some investigations on behalf of the Coroner.
They also assist the Coroner at Inquests by presenting the evidence.

The Coroner is required by law to inquire into all reportable deaths where a person has died:

- **A violent, unnatural or unexpected death, or as a result of an injury or accident;**

- During anaesthesia or sedation or as a result of them and not due to natural causes;
- The cause being unknown;
- Being a child under the age of 1 year and death was sudden and unexpected.
- While being held in care or custody; or
- Whilst escaping from prison or police custody or an institution or while a prison officer or police office was attempting to detain that person.

If the cause of death can be found at autopsy and that cause of death is a natural one, the Coroner may conclude the matter once the Coroner has that documentation, however...
If the death was due to a violent or unnatural method, the circumstances surrounding the death will be investigated and examined by the Coroner.

The investigation will be completed on behalf of the Coroner normally by the police officer who attended the scene in the first instance.

Once the investigation has concluded and the Coroner is satisfied, the Coroner may in certain circumstances conclude the matter.
Some deaths go to Inquest, an Inquest is a formal hearing in a court room where the evidence is heard.

A Coroner must hold an Inquest:

- **If the Coroner suspects homicide**,
- If the deceased immediately before death was held in care or custody,
- If the identity of the deceased is not known;
- If the deceased died whilst escaping or attempting to escape from prison, police custody, an institution or was in the process of being detained by police or prison officers;

In such circumstances as to warrant an inquest under any Act, or if the Attorney-General or the Chief Magistrate directs.
Witnesses may be called and questioned on oath, or the Coroners may receive documentary evidence only.

Under the Coroners Act 1995

24.(1) Subject to section 25, a coroner who has jurisdiction to investigate a death must hold an inquest if the body is in Tasmania or it appears to the coroner that the death, or the cause of death, occurred in Tasmania or that the deceased ordinarily resided in Tasmania at the time of death and -

(a) the coroner suspects homicide; or

(b) the deceased was immediately before death a person held in care or a person held in custody; or

(c) the identity of the deceased is not known; or

(d) [Section 24 Subsection (1) amended by No. 49 of 1999, Sched. 1, Applied:01 Feb 2000] the deceased died whilst escaping or attempting to escape from prison, a detention centre or police custody or from an institution; or

(e) the death occurred in the process of police officers or prison officers attempting to detain a person; or

(f) the death occurred in such a place or in such circumstances that require an inquest under any other Act; or

(g) the Attorney-General directs; or

(h) the Chief Magistrate directs.

(2) The Chief Magistrate may hold an inquest into a death which a coroner has jurisdiction to investigate if the Chief Magistrate considers it desirable to do so.

Procedure at inquest where person charged with an offence

25. (1) If on an inquest relating to a death, a fire or an explosion the coroner is informed, before making a finding, that a person has been charged before justices with any of the offences specified in subsection (2), the coroner -

(a) must, in the absence of reason to the contrary, adjourn the inquest until after the conclusion of the proceedings with respect to any of those offences; and

(b) must inform the Attorney-General in writing of the inquest and its adjournment.

(2) The offences referred to in subsection (1) are -

(a) murder of the deceased; or

(b) manslaughter of the deceased; or

(c) infanticide of the deceased; or

(d) causing grievous bodily harm of the deceased; or

(e) causing the death of the deceased by dangerous driving; or

(f) an offence under section 32 (1) of the Traffic Act 1925 arising out of an accident that resulted in the death of the deceased; or

(g) arson in relation to the fire; or

(h) unlawfully causing the fire; or

(i) unlawfully causing the explosion.

(3) After the conclusion of the criminal proceedings the coroner may, subject to subsection (4), resume the adjourned inquest if the coroner is of the opinion that there is sufficient cause to do so.

(4) If in the course of the criminal proceedings a person has been charged on indictment, the inquest, on its resumption, must not contain any finding which is inconsistent with the determination of the matter by the result of those proceedings.

(5) Where a coroner resumes an inquest which has been adjourned in accordance with this section, the coroner must proceed in all respects as if the inquest had not previously begun and the provisions of this Act apply accordingly as if the resumed inquest were a fresh inquest.

(6) The clerk to the justices before whom a person is charged with any of the offences specified in subsection (2) must inform a coroner, who is holding an inquest relating to the death, fire or explosion, of the making of the charge and of the committal for trial or discharge of the person charged.

(7) For the purposes of this section, criminal proceedings are not taken to be concluded until a further appeal cannot be made in the course of those proceedings without an extension of time.

(8) Where a coroner decides not to resume an inquest adjourned in accordance with this section, the coroner must so inform the Attorney-General in writing

(9) In this section, "criminal proceedings" means proceedings in respect of any of the offences specified in subsection (2).

Decision by coroner not to hold an inquest into a death

26. (1) If a coroner who has jurisdiction to hold an inquest into a death makes a decision not to hold an inquest or the Chief Magistrate makes a decision not to direct that an inquest be held, the coroner or the Chief Magistrate must -

(a) record the decision in writing; and
(b) specify the reasons for the decision; and
(c) as soon as practicable after making the decision, notify the senior next of kin of the deceased person, in writing, of the decision, including the reasons for the decision.

(2) Within 14 days after receiving notice of a decision under subsection (1), the senior next of kin of the deceased person may apply to the Supreme Court for an order that an inquest be held.

(3) The Supreme Court may make an order that an inquest be held if it is satisfied that it is necessary or desirable in the interests of justice.

There was never a trial following the Port Arthur Massacre and despite the loss of thirty five lives, there has never been an Inquiry into the deaths that cost seven of those lives, likewise there has never been a Coronial Inquest

In fact, every normal legal process that should normally occur following such a tragedy, has been thwarted. If a Royal Commission is not called, then the Port Arthur Massacre will indeed earn a unique place in history, it will be remembered as the event where the authorities did not wish to learn the causes, the reasons, or even the means to prevent a similar incident in the future

CHAPTER 37
THE PLAYERS.

The power of the police to fulfil their functions and duties
is dependent on public approval
of their existence, actions and behaviour;
and on their ability to secure and maintain public respect.
Sir Robert Peel's Principles of Policing, 1829

In Australia, the total list of "policing" organisations is many fold. With State and Federal Police, Australian Bureau of Criminal Intelligence, Australian Intelligence Corps, Australian Protective Service, Australian Secret Intelligence Service, Australian Security Intelligence Organization, Defense Intelligence Organisation, Defense Signals Directorate, Inspector-General of Intelligence and Security, Intelligence and Counter-Terrorism Policy Section, Protective Security Coordination Centre, to name the more important ones.

The public approval that Sir Robert Peel spoke of, is non existent in Australia because of the secrecy involved. Even at Port Arthur, despite the presence of many personnel under the control of the Attorney General, the public to this day would have absolutely no idea that anyone was there other than State police.

There were many different groups of people with some involvement before, during, and after the massacre, quite a proportion of these groups share common ground, this is not surprising because of the widespread number of people required to deal with disaster.
But, the common ground that they share is one that the general public have very little knowledge of.

SAC-PAV
Key people at Port Arthur were part of a very major team, the vast organization known as SAC-PAV or the **Standing Advisory Committee on Protection Against Violence.**

Following the Hilton Bombing fiasco of 1978, the Prime Minister at the time, Malcom Fraser, announced the establishment of a committee which would include both Commonwealth and State agencies, whose principal aim would be to achieve a set of national arrangements and agreements to respond to threats or acts of politically motivated violence.

Thus was SAC-PAV or the Standing Advisory Committee for Protection Against Violence implemented, it is comprised of many representatives from the departments of the Commonwealth Attorney General, the Prime Minister and Cabinet, ASIO, and various Police and Emergency Services.

Among their forte, is of course, preparing for possible disaster, the many preparations that preceded the Port Arthur Massacre, may have been rooted in the foresight of SAC-PAV.

Matters that have been covered in more detail elsewhere in this book include, the training exercises at Dunalley in April 1995, the Aviation Seminar held on the 22nd and 23rd April just prior to Port Arthur, and then we have what has been explained as the foresight of having a 16/22 person Mortuary Ambulance on hand, and the serendipitous Code Brown being completed at Royal Hobart on the 26th April, and the amazing luck in having 25 specialist Doctors on hand from all around Australia.
Knowing the potential for victims of terrorism requiring organised medical services, perhaps the PSCC & SAC-PAV were instrumental in specifying standards, required equipment, exercises, and even financed via a multitude of Government Departments.

SAC-PAV sponsors the following types of development and training activities: courses; exercises; professional forums; seminars; national conferences; and overseas study tours and training.
[SAC-PAV Website]

SAC-PAV development and training are aimed at developing capabilities that are available for, and can demonstrably contribute to the countering of politically motivated violence.
[SAC-PAV Website]

Involvement in these national and local exercises was to prove invaluable for Tasmania Police as they set about managing the Port Arthur Massacre. The Tasmanian Government's SAC-PAV representative Mr Bob Grierson stated, *SAC-PAV proved its worth at Port Arthur. If there were any doubt before about the value of the organisation to the national security of Australia, then that doubt should disappear now.*
[Attorney-General's Department Annual Report 1995-96]

The PSCC
SAC-PAV is not a self autonomous organisation, it exists under the control of the Protective Security Coordination Centre.
The Director of the Protective Security Coordination Centre (PSCC) of the Commonwealth Attorney-General's Department serves as Executive Deputy Chairman to SAC-PAV.
The PSCC provides SAC-PAV with executive and secretariat support. As well as ensuring that the day-to-day requirements of the committee are met, the PSCC manages the SAC-PAV equipment, training and exercise programs, and maintains the National Anti-Terrorist Plan.
[SAC-PAV Website]

SAC-PAV makeup.
The following are part of SAC-PAV...

Attorney General's Department,
Prime Minister and Cabinet,
Transport and Regional Services,
Australian Federal Police,
Australian Defence Force,
Australian Security Intelligence Organization,
Australian Protective Service,

Defense Forces,
Tactical Response Group,
Premiers Departments of the States,
Police Services of the States,
The Department of Finance attends in the capacity of an adviser.

Under the terms of SAC-PAV, Tasmania is required to maintain 30 fully trained officers equipped to respond to any incident of politically motivated violence that may arise.

When a SAC-PAV incident occurs, of which Port Arthur was such an incident, the following structured response will be put into action

1. Forward Command Post: This is the front line response and will include police cordons and hostage negotiators. The Police Forward Commander is responsible for all operational comment to the media and police media officers generally will work from here. Depending on its magnitude and urgency, the general content of media statements should be discussed between the Forward Commander and Police Operations Centre Commander before release - but media releases should not be sent 'up' for clearance as this leads to delays.

2. Police Operational Centre: This is the coordination centre, where additional resources will be arranged (meals, vehicles, staff) and 'bigger picture' decisions will take place. The POC liaises between police working at the forward command post and the political level. Media officers working here should coordinate media issues between agencies rather than duplicating the function of media officers at the scene, although their function could include dealing with interstate and international media, coordinating public inquiries and combined inter-agency information, monitoring media stories, and gathering additional information for media releases.

3. State Crisis Centre: For a major incident, the SCC would be established at Parliament House with the Commissioner of Police and relevant Ministers and department heads. The Protocol Officer from the Chief Minister's Department will coordinate media statements from Government Ministers on non-operational issues.

4. Protective Services Coordination Centre: The PSCC in Canberra will perform a similar role at national level.

The following people that were involved at Port Arthur were all SAC-PAV

Geoff Easton, the Tasmania Police Media Relations Manager

Peter Hazelwood, of the Premiers Media Office

Sergeant Terry Mc Carthy, of the Tasmania Police was the SAC-PAV Police Negotiator

Assistant Commissioner Luppo Prins, of the Tasmania Police took the position of SAC-PAV Police Operations Commander.

Mr Bob Grierson, of the Tasmanian Government.

Tasmanian Attorney General Ray Groom, who was the first person in Government to be notified of the massacre.

The Prime Minister John Howard, is automatically a member.

Daryl Williams, as Federal Attorney General and as Justice Minister.

Added to this list must be members of the SOG Police, the Forward Command Post, the SES, the Fire Service, etc.

Sundays are especially valuable to me, particularly when you are the one point of media liaison for Tasmania Police and on call 24 hours a day.
Just the fortnight before I had spent five days in Western Australia on the anti-terrorist SACPAV Exercise, "Top Shelf", so things were a bit neglected.

Twenty minutes later the phone rang and I thought damn!

Peter Hazelwood my SACPAV counterpart in the Premiers Media Office as it so happens, was on the line as government media liaison officer for the weekend.
[EMA Papers: Geoff Easton of Tasmania Police: Media Management]

The plethora of groups in control of policing Australia is well beyond the comprehension of even the most astute citizens.

CHAPTER 26
CONSPIRACY THEORY.

When we see a lot of framed timbers, different portions of which we know have been gotten out at different times and places by different workmen, and when we see these timbers joined together and see that they exactly make the frame of a house . . . we find it impossible not to believe that they all understood one another from the beginning, and all worked upon a common plan
Abraham Lincoln.

Conspiracies certainly happen, they have for many centuries. Abraham Lincoln certainly knew about their occurrence, he actually met his own death by conspiracy.
His analogy above, applies exactly to Australia's economic woes, from elimination of the Peoples' Bank in 1923, to the enacting of the Double Taxation Bill in 1953, to the 1975 Lima Declaration and the New International Economic Order, to the Campbell and Martin Inquiries, culminating with De-regulation in 1983.
The resulting and somewhat permanent, *recession we had to have*, the transferal of Australian owned enterprise into Foreign Ownership, the record unemployed, the endemic and burgeoning Foreign Debt, are but some of the proofs of Lincoln's common plan example.
Australian Politicians have been guided by the unseen hands of the Money Power for many decades, while the house of recession, and dependence upon Foreign Investment, was built. The blueprint components are all enshrined in the perpetuity of Hansard.

Port Arthur, conspiracy theories, or conspiracy facts.
The author believes that these theories of conspiracy at Port Arthur should be brought to public attention, a Royal Commission should be able to determine the validity or falseness of the suspicious incidents.
Then, either the suspicions will be quashed once and for all, or they will be proven, and hopefully any guilty parties will face investigation and subsequent charges.
If only one of these theories is valid then we have a very serious misunderstanding of what transpired that Sunday, and consequently, the image of a just legal system in Australia may be proven to be not so.

Martin Bryant or an impersonator.
The most prevalent theory would be whether it was actually Martin Bryant at Port Arthur, or was it an impersonator. Having read and investigated, pondered, calculated, and hypothesised, for many countless hours on this point, the author can not say with any certainty that is was, or was not, Bryant or an impersonator.
Consider also that while the gunman's description has been recounted by various eyewitnesses for and against it being Bryant, we must always consider the very real possibility that just like in the movies, lookalikes aside, clever makeup and latex masks can virtually make any one look like a dead ringer for another.

The professional skill displayed by the gunman in the Broad Arrow.
The most cited reason given for an impersonator would have to be the close quarter combat shooting skills displayed in the Broad Arrow.

Retired brigadier Francis Phillip ("Ted") Serong, DSO, OBE, served in Vietnam where he commanded the Australian forces from 1962 to 1965.
There was an almost satanic accuracy to that shooting performance, whoever did it is better than I am, and there are not too many people around better than I am.
Whoever did it has skills way beyond anything that could reasonably have been expected from this chap Bryant.
If it was someone of only average skills, there would have been many less killed and many more wounded, it was the astonishing proportion of killed to wounded that made me open my eyes first off.
[Herald Sun 10th April 1999 Article: A few bullets short of a militia.]

His actions were deliberate and methodical. He did not spray shots wildly, and killed his victims in most cases by a single shot to the head.
This incident is unique in relation to the wounds for several reasons. Twice as many people were killed as injured (the reverse normally being true) and all those who received injuries which were not immediately fatal, survived. In most cases of large multiple homicides involving centrefire rifles, more people are wounded than killed.
[Journal of the International Wound Ballistics Review]

Was left handed Bryant, the right handed gunman.
Having recently viewed a training video on Close Quarter Combat with the AR15, I am more in awe of the shooting abilities of the gunman in the Broad Arrow Café.
To achieve such accurate and rapid kills from the hip, and the Right hip at that, was an achievement far in excess of the exponent in the training video.
And for a Left handed shooter like Bryant to achieve such results with a Right handed stance, is simply impossible without lots of training and practise. It has been suggested that Bryant may have had special training while on one of his overseas jaunts.

Amazing amount of circumstantial evidence left at Port Arthur.
This is surely a rather unique crime, where the "perpetrator" has made himself conspicuous at every opportunity before the day, during the journey, and at the crime scene with such a unique vehicle with surf board attached, burdened with an enormous sports bag that just happened to be bright blue in colour, and also carrying a full size video camera.
All this while wearing a strangely green coat, and very long blonde hair, surely enough to have one and all remember after he had departed the scene, and departure was definitely on the gunman's mind because of the decoying of local police, and the preparations made at Seascape.
A serious nutter on the day would surely have remained on site endeavouring to kill the remaining 500 people present.

The list of clues or circumstantial evidence left behind is impressive, all items belonging to one Martin Bryant, the Volvo, his passport, the Prince Bag, some DNA on a knife that was never used at Port Arthur, a magazine, some live rounds, the Daewoo shotgun, his video camera, firelighters and some petrol which just happened to be one of the items purchased that morning. A bunch of keys that pointed the way back to Seascape, obviously they were not going to be required to access a return, extra magazines in the Volvo, along with more ammunition and the grey camera bag.
The Prosecution must have thought that Christmas had come early that year.

I would have liked to have seen the Solo can, and the lunch implements, used by the gunman while on the balcony, recovered and tested for fingerprints!

Shots heard from Seascape while Bryant was in transit from Hobart.
The very fact that Martin Bryant could not have fired any shots at Seascape that Sunday morning, because he was still travelling along the 97 kilometre journey as explained in the chapter relating to the murder of the Martins, proves that someone else brought the guns to Seascape and also used them.
Knowing that there was another shooter, that has never been identified, must raise very serious doubts about Bryant's involvement in the massacre, if nothing else, it certainly proves that he did not act alone!

Eyewitnesses that did not identify Bryant.
These eyewitnesses made their statements on various dates, obviously the logistics of interviewing 858 people would be difficult, especially when they may need to return to homes interstate.
While some people were interviewed on the same or next day, the opportunity for the majority did not occur for some weeks, meanwhile, the Tasmanian Media identified Martin Bryant via Television and Newspapers as *being the one*!

The Mercury of Hobart published a full length colour picture of Bryant on the 30th April, the caption was **THIS IS THE MAN**. The front page continued with...
This is the man whom Tasmanians want to face 35 murder charges.
This is the man who stumbled out of an inferno of a house yesterday, his clothes ablaze, leaving behind three hostages.
This is the man who allegedly calmly, chillingly, coolly and brutally stalked and gunned down men, women and children at the Port Arthur historic site on Sunday afternoon.
This is the man who grabbed the hostages and holed up in a cosy bed and breakfast home as police laid siege to the refuge.
This is the man who is now in Royal Hobart Hospital being treated for burns as police wait to interview him.
This man is Martin Bryant, 28, a man of mystery from the Hobart suburb of New Town.

Now consider the influence or peer pressure on every single person that is asked to view the Identity Board after having read and been bombarded with newspaper articles with such blatant subjudice.
The full details by which this occurred require investigation, how the photo came into the hands of the Media, was it apparent disregard for very well known procedures, subjudice is not something new to the Media, and every Editor and reporter, knows full well what can and cannot be done.
From within my 242 Witness Statements, one person was shown 16 photographs on the 29th April, whereas the 30 person photoboard does not appear until the 14th May, earlier interviews in May did not proffer the opportunity.
Eyewitnesses that were not sure before, would have a new image inserted and reinforced, eyewitnesses would now be under tremendous community responsibility to identify one Martin Bryant because, **this is the man**!

Despite the crocodile tears expressed in the Mercury the following Saturday, where the DPP Mr Damian Bugg lodged contempt charges in the Supreme Court against the ABC, and the newspapers, The Australian, The Age and The Mercury. The fact is that the chance of a fair trial for Martin Bryant had now been rendered impossible.

Graham Collyer was one who got a very close look at the gunman in the Broad Arrow, too close a look actually as Mr Collyer received very severe injuries in the Café.
He recounted his experience on the 7th May from his hospital bed, *I noticed him because of his overcoat, I think it was green, it was the type of colour you don't see that often, that's why it stuck in my mind. I saw him carrying a long bag, it didn't seem unusual because all backpackers have long bags.*
He seemed somewhere ***about 20****, he had long blonde bedraggled hair about 3-4 below the shoulder. He looked like he might have* ***a lot of acne, a pitted face****. He had scraggly trousers, I don't remember what colour.*
Despite seeing the gunman from close quarters and being able to give a good description, whether that description was accurate or not, Mr Collyer was denied the opportunity to view the Identity Board.
Could it be because his description does not match Martin Bryant's age, nor his complexion!

Carmel Edwards spoke to the gunman and opened the door for him as he left the Broad Arrow to eat his lunch on the balcony. On the 28th April she described the gunman thus, *I would describe the male person as being about 5'8" tall, straight shoulder length blonde hair, about* ***22-23 years old****, clean shaven, slight to medium build and he looked fairly fit, I would say he was an* ***Australian****.*
Mrs Edwards described a younger person than Bryant, and non English appearance, she was not given an opportunity to view the Identity Board.

Kevin Wilkinson gave his statement on the 27th May, his video was used in evidence because it captured the first 17 seconds of shots, he watched the gunman exit the Café *from approximately 40 metres away*. His description was *I then saw a male person exit the Broad Arrow Café, the male had long blonde hair, he had a dark coloured jacket on, he was of medium build, and he had a rifle in his right hand.*
Further, *At no time did the male with the firearm shoot in our direction, and I did not witness him shooting any person. I have been shown a photoboard by Detective Ghedini, however I am* ***unable to identify*** *any person within the photoboard.*
Mr Wilkinson honestly refrained from identification because the gunman's hair was obscuring his face when he observed him.

Angelo Kessarios served Martin Bryant during his journey in the morning, in his statement given on the 7th May, he twice contradicted the green coat seen later at Port Arthur with the following, *As stated earlier the customer was male and wearing a* ***brown coat*** *that came down to his thighs, he had shoulder length blonde wavy hair, lace up boots, and track pants on.*

Ian Kingston was the security officer at Port Arthur, on the day he directed the Volvo driver as to where to park, he also conversed with the driver, on the 19th June he made his second statement, *I looked at all of the photo's in the folder, and although I am*

not 100% sure, I think the person I saw and spoke to, driving a yellow Volvo at the Port Arthur Historic Site on Sunday, 28 April 1996 was photograph no 5, I think his eyes were a different colour, and his hair was a little different.
So, even though Mr Kingston identifies Martin Bryant's photo, he is not sure, and I guess like many others, the influence of Bryant's picture having been on Television and in the Newspapers must have some peer pressure influence.

Carol Pearce passed by the gunman as she entered the Broad Arrow, her description was *between 18-20 years of age, he had really blonde hair which was collar length, it was fairly straight with a bit of a wave in it. He was clean shaven, he was average in height and build. He was wearing a green jacket of some kind.*
Mrs Pearce made her statement on the 28th April, unlike some, she did not have a further interview, and consequently did not get to view the photoboard.

Martin Bryant with small change, or, an Imposter with $50 notes.
There is a difference in the type of money used before Seascape, and after Seascape, where it would appear that Martin Bryant used small change from a tin in the car, and the right notes for the petrol, and after Seascape, only $50 notes were used. A small point perhaps, but deserving of a little more scrutiny, such as was a wallet evident at any stage, and which hand retrieved the wallet and offered the money.

Bryant then travelled to the township of Sorell where he stopped at the local supermarket and purchased a bottle of tomato sauce. The proprietor of the supermarket, Mr. Diamantis, noticed that he had with him a large bag which was a sports type bag. He therefore watched his movements in the supermarket closely. When he left he paid for his purchase with a ***large quantity of small coin, small denomination coin****.*
[Court Document page 61]

Bryant then travelled further south to the village of Forcett, arriving there between 11.00. and twelve midday. He stopped at the Shell service station and spoke to the proprietor, Mr Gary King, and requested a cup of coffee. He told the proprietor that he had been there earlier in the week and had enjoyed the cup of coffee he had on that occasion, but he said, 'On this occasion would you boil the kettle for less time.' He paid for the coffee in ***five and ten cent coins*** *and told Mr King that he was going to Roaring Beach to surf. The service station proprietor thought that was strange because it was a very calm day and he certainly didn't expect that the sea conditions would be conducive to surfing.*
[Court Document Page 62]

Christopher Hammond reported the time as follows, *At around 10.30am to 10.45am a yellowy coloured Volvo came into the store car park for fuel.*
The man got out of the Volvo and asked me for fifteen dollars worth of petrol, I put the petrol in and he paid me with ***a ten and five dollar note****.*
[Sworn Statement: Christopher Hammond 9th May 1996]

A woman reported that her car had broken down on the highway just outside Seascape and that at about 12.30pm another driver had stopped to give her assistance. She had been smoking a "joint" as she waited beside her car, and the

good samaritan - who again matched Bryant's description - asked if there was anything for sale.
She obliged with a ***fifty dollar*** *packet of cannabis.*
[SOS page 158]

I was expecting an argument about the entrance fee from the Volvo driver, as he looked to me that he didn't have a lot of money.
This didn't eventuate, and the male driver produced ***$50.00****, and I gave him the change with the tickets, as well as a briefing, and he then drove off towards the site.*
[Sworn Statement Aileen Kingston 2nd May 1996]

Transcripts of dialogue.
Fortunately there are recordings of most of the dialogue that occurred during the siege, also there are dialogues recounted from witnesses.

Do the following statements sound like the same person, or someone with Schizophrenia, or a different person.
Mr Bryant assumed that when he began shooting at Port Arthur he would himself be shot down. He stated in one interview, "my power, so powerful and the guns and these magazines filled with bullets. I could just go bang, bang, bang."
[Court Document page 356]

Yeah, facing onto the road toward you, look down from the road and you see the front of the house, and he's behind some bushes near the front door, the Seascape Guest House, yeah.
[Negotiator transcript page 75]

I'll tell you what, it's colliding with one infra red scope to another, I mean this man, I've had plenty of experience with guns and scopes, is he, if he wants to die it's up to him.
[Negotiator transcript page 76]

Mc Carthy, *How's things going in there, mate?*
Jamie, *Fine. Couldn't be better, just like on a Hawaiian holiday.*
Mc Carthy, *Hawaiian Holiday?*
Jamie, *Yes, that's correct sir.*
Mc Carthy, *Oh, sorry. I don't understand what you mean by that.*
Jamie, *Uh, I don't know myself!*
[Negotiator transcript page 52]

Could Bryant have removed the people from the BMW.
Martin Bryant is slightly built, and of small stature, would he have been physically able to drag Mrs Salzmann at 76 Kg from the BMW, keeping in mind that he has incurred spinal damage four years prior, and more importantly, could he possibly have dragged the lifeless 86 Kg body of Mrs Nixon from the car.
The accident in which Miss Harvey died was on the Twentieth of October, 1992. That accident was about one point six kilometres on the Arthur Highway west of Copping and the accident occurred when the Mazda 121 sedan, being driven by Miss Harvey, in a westerly direction veered onto the incorrect side of the road and collided with an

oncoming vehicle. In a statement relating to that accident Bryant indicated that he and Harvey had been to Sorell obtaining groceries and feed for livestock and were returning to the property. There were three dogs in the rear of the vehicle and his last recollection was of turning his head around to his right to stop two of the dogs who were fighting. Prior to that accident the vehicle was travelling at about sixty kilometres per hour. After the accident Bryant was admitted to Hospital and x-rays of cervical spine revealed evidence of bilateral fractures through both his first and second cervical vertebrae.
[Court Document page 315]

The exact sequence of events in the next few seconds is not entirely clear but it seems probable that Bryant went to the rear driver's side door of the BMW and pulled Mrs. Salzmann from the vehicle shooting her as he did so. Mrs. Salzmann sustained a fatal gunshot injury, the bullet entering her neck and exiting through her left upper back. And I refer your Honour to photograph number 6.
The Crown case is that Bryant then walked to the front passenger side of the BMW where Mrs. Nixon was seated and shot her twice before dragging her body clear of the vehicle onto the roadway. Mrs. Nixon sustained two gunshot wounds, one entering her right shoulder and perforating her neck and cervical spine, the other entering her left shoulder and perforated the left chest cavity. Both of these wounds were lethal injuries. I refer your Honour to photograph number 9.
Immediately following the murder of Mrs. Nixon and dragging her body from the car Bryant commenced to transfer a number of items from the Volvo to the BMW.
[Court Document pages 156, 157]

Other matters to ponder.
If each of the following points were viewed singly, the matters may seem only strange or coincidental. Viewed in total, the potential for a conspiratorial viewpoint increases dramatically!

Considering the example of Port Arthur being the predicted trigger to further gun control in Australia...

The many coincidences of preparation for disaster on the Tasman Peninsular.
The very existence of a unique and large mortuary vehicle.
The lack of information as to why the police were at Saltwater River.
The failure of Bryant to remain at Port Arthur with 500 potential victims.
The total lack of knowledge about guns displayed by Bryant, versus the immense knowledge of guns displayed by whoever chose and disabled the weapons.
The almost magical appearance of the arsenal of weapons at Seascape.
The fact that the two murder weapons escaped the inferno of Seascape.
The sound of gunfire on the negotiator tapes while Jamie was on the phone!
The fact that both had attempts made to convert to auto fire.
The fact that both had been disabled from full ballistic testing.
The gun found at Clare Street that was not discovered in the hall at first visit.
The cover ups and lies pertaining to the Night Scope.
The initial denial by police pertaining to the AR15 disposed of by Bill Drysdale.
The disregarding of the dark haired person outside at Seascape.
How the Gunns failed to report hearing the gunshots heard by neighbours.

The apparent zeal for prosecution above the search for truth.
The omission of key Witness Statements from the Crown brief.
The rejection of key witnesses for the averted trial.
The withholding of psychiatric testimony pertaining to Bryant's mental state.
The breaching of evidence security.
The glaring lack of a trial, coronial inquest, or public inquiry of any kind.
The continued resistance to an inquest or inquiry.
The turnaround denial of schizophrenia.
The cryptic message in the Café of, *No, no, not here.*
The existence of the second Prince bag.
The ignoring of this second bag by the Crown and the defence.
The strange death of Maurice Bryant, Martin's controlling influence
The strange voices and noises in Bryant's house, only when he was alone.
The variance of the facts within Bryant's BMW confession.
The lack of any hearing damage to Martin Bryant.
The foregoing of standard legal procedures to protect Bryant's rights.
The pointless attention seeking purchases made that Sunday morning.
The assertion that some relevant police phone tapes been erased.

Take your pick, any one of these points, or possibly every one could be viewed as having conspiratorial origins. The only way to prove or disprove each and every point is to subject them all to the probing scrutiny of a fully open and impartial Royal Commission.

Maybe some questions can never be answered, or maybe each and every query can and will be answered in full. Perhaps there may prove a common thread to the whole Bryant-Port Arthur jigsaw, who knows, it may turn out that Lincoln's frame of a house at Port Arthur may indeed have been built to a blueprint or common plan.

CHAPTER 39
JOHN AVERY FOR THE DEFENCE.

I felt intensely that I had to do right by the community as well.
John Avery

There are certain inalienable rights bestowed on all persons charged with crime, such as the right to silence. That means that one is entitled under common law privilege against self-incrimination.
There is also the entitlement that children shall not be questioned without a parent, guardian, or independent adult being present. While Martin Bryant was not a child in chronological terms, it has been stated in Court that he had a mental age of 11 years, this surely qualifies him to be guided through all facets of the legal process by a guardian
Consider also that in 1993 Martin Bryant was subjected to a guardianship order by the Court system.

Then, there is the fact that Bryant was interrogated for several hours without his lawyer present, in fact no one was present to assist or guide him through the process. Bryant queried the police about this fact and was assured that his lawyer knew, hardly proper, if his lawyer knew he would be present on such an occasion, and if he was unable to attend he then would have notified his client.

Q. Where'd you get those guns?
A. Oh, umm, I can't really say, I haven't got my lawyer here so.
Q. Well we have spoken to your lawyer and he knows that we're talking to you.
A. He knows, he knows.
Q. And aah, has no problem with that so aah.
[Police Interrogation]

Police Standing Orders also prohibit prolonged questioning of suspects, that rule seems to have been ignored along with any consideration of Bryant's third degree burns and his being shackled to a wheelchair.

If Martin Bryant's lawyer or guardian had been present, then these breaches may have been addressed as well as the requirement to conduct a written record of interview including all questions asked and answers given.

This of course did not occur as covered in the chapter on the police interrogation.
There is also the right of a suspect to consult a solicitor while in custody, this includes the right to legal advice during the interrogation process, an area in which there are a number of avoidable pitfalls if you know your rights.

And then, we have the well known tenet that one is innocent until proven guilty, and that means guilty beyond all doubt, a fact that the Media totally ignored following the arrest of Martin Bryant, before he had even been charged the Media had pronounced him guilty with front page headlines.

These and other basic rights have been ignored by all concerned. Further, I do not see that Bryant's "defence" lawyers have made any attempt to enforce or redress these matters. I also fail to see that any effort was made to investigate the possibility that Martin Bryant may have actually been innocent, or that there were in fact rather serious deficiencies and errors in the prosecutions case.

Particularly in the area of witness statements and timing blunders by the prosecution. To think that vital key witnesses that actually stared, saw, or spoke to the gunman were denied a possible court appearance by the prosecution. Knowing what these witnesses observed, one can only hope that the defence may have called these people for their testimony.
And considering the illogical and uncorroborated time that the gunman arrived at Port Arthur as described by Mr Bugg for the prosecution, why did the defence not challenge this distortion with the testimony of several eyewitnesses who made sworn statements to the contrary.

Perhaps these shortcomings can be more easily ascertained by examining some actions, statements, and quotes made by Mr John Avery who was appointed to act in the defence of Martin Bryant.

Firstly, let me impart a statement from John Presser who was one of the forensic scientists at Port Arthur. He informs that Martin Bryant made the statement when arrested, ***Don't shoot, I am the hostage.*** This claim was repeated for some days and was ignored by all concerned simply because there was no trace of others at Seascape at the end of the day. From the scant transcripts that have reached the public eye, the happenings at Seascape are far from clear.
Consider also that upon arrest, Martin Bryant was in extreme pain due to his third degree burns, hardly a moment to invent a story.

However, the premise of innocent until proven guilty should apply regardless, Bryant's first lawyer David Gunson quit when Bryant pleaded not guilty. Gunson was quite content to allow his client to plead guilty without any proof by the prosecution, hardly acting in the spirit of justice or within his clients rights.

Martin Bryant pleaded not guilty at the remand hearing on the 30th of September, this was his first appearance in Court, a bullet proof barricade was installed for the event.
He pleaded not guilty to each of the 72 charges, this was obviously not what his lawyer David Gunson expected, leaving the Court, Gunson said, *Ah well, these things happen.*
Television footage also depicted John Avery in a grey suit and sunglasses amongst the public in attendance, rather an amazing coincidence, that he was present to observe the proceedings in Court, and this before David Gunson knew he was going to stand down

On the 1st of October David Gunson stood down as his lawyer. On that same day, John Avery confirmed that he was weighing up whether to take over the brief.
Amongst heavy questioning from the Media, Gunson made the following statement, *Media reports to the effect that I no longer represent Martin Bryant are correct. I will make no comment as to the reason or circumstances surrounding this development.*

Upon acceptance, John Avery stated that the trial would at this stage proceed in November on the basis of a not-guilty plea. But he added, ***In a criminal trial, as everyone knows, anything's open to change. At this stage, there's no indication of that being likely to change, but in criminal trials, one never knows.***
[The Age 5th October 1996]

John Avery made 14 lengthy tape-recorded interviews while at Risdon Prison, during which he was, ***able to bring Bryant around after they struck up a rapport when they first met at the jail on October 1st last year.***
[The Mercury 9th September 1997]

Avery's second meeting occurred on October 3rd. It seems that John Avery had already reached his verdict of Bryant's guilt, there was obviously no thoughts of challenging the lack of evidence or the lack of correct procedures as evidenced by the following dialogue.

Avery: *We're going to look each other in the eye and I don't want any stories or bullshit, right, because the time for that is over.*
We've got to look at where you're heading with this and I want to put on the best front I can for you, but I'm not going to bullshit and say magically you're going to be out of here in six months or whatever, because you know that's not going to happen.
I know that's not going to happen.
Bryant: *Will it be a long, long time for someone what's done ?*
Avery: *You're not going to ever leave here mate, I don't think.*
Bryant: *Mmm.*
Avery: *You know that, don't you, eh? I mean. I would be kidding you if I said you were going to get out of here in 5 years or 10 years or whatever. You're going to have to start putting your mind as to what you're going to do here for the rest of your life.*
[The Bulletin 4th May 1999]

On the 30th September, David Gunson was still Martin Bryant's defence lawyer. Now here a mere three days after becoming Bryant's new defence, John Avery has indicated that there will be no defence, and that the outcome is inevitable.

It has taken me many weeks to read the information in the public domain and analyse the facts at my disposal. John Avery would have an additional 800 plus witness statements to read, 24 video tapes to watch, various reports, then there are the 3000 photos and 2000 exhibits to examine, and of course, some people would require to be personally interviewed.
Also time consuming is the issue of the source of the murder weapons which is a most tortuous tangle.
And yet, Barrister John Avery was sufficiently informed within 72 hours to form the direction that his client was to take!

On the 4th of October John Avery stated that he would cooperate with efforts to complete the trial as quickly as possible. He also said that *It's not in my client's interest, **nor indeed in the community's at large,** to have an unnecessarily protracted trial*

In my opinion, the holding of a trial, however gruesome or distasteful, is an essential part of the healing process. To deny the public and especially the victims the opportunity to officially face the facts in court, and possibly even receive some answers pertaining to why it happened, was a denial to public healing as well as a denial of Bryant's right to a trial.

Following the Court sentencing hearing which concluded on the 22nd of November, Martin Bryant sacked John Avery as his Solicitor, in reflection, I fail to see that anyone was looking after Martin Bryant's best interests from day one, whether he was guilty or innocent, the life sentence was a foregone conclusion.

Serving the community.

After the determination of the Court proceedings, John Avery spoke on his thoughts while presenting a Tasman Forum Speech at the University of Tasmania law school, during which he said that his handling of the case had been tempered by his feeling of a need to do the right thing not only for Bryant, but ***I felt intensely that I had to do right by the community as well.***
[The Mercury 9th September 1997]

What an incredible statement!

Surely a lawyer for the defence has a sole duty to look after the interests of his own client, after all, the community's interests are quite well looked after by the Crown Prosecutor, I am sure that the DPP did not consider that he had to be concerned about the defendant's interests.

Another reflective insight disclosed by John Avery was that the evidence against Bryant "was overwhelming" and that all the psychiatric and psychological evidence showed that while he had a low IQ and a personality disorder, he was not insane in the legal sense.
Armed with this expert evidence . . . how was one to deal with such a clearly unusual individual? he said.
I quickly, however, realised that this was not a person who would react favorably to a hard-nosed lawyer's approach of simply saying the evidence was overwhelming and he must plead guilty.
Bryant needed to come to that decision himself and not as a result of any coercion by me.
[The Mercury 9th September 1997]

Well, I fail to see that John Avery did not coerce his client, when you state in retrospect that, ***It took hours of talking over 14 or 15 visits to Risdon Prison to bring Martin Bryant around to the decision to change his plea to guilty on the 72 Port Arthur massacre charges.***
[The Mercury 9th September 1997]

A further matter that from my layman's point of view strikes me as somewhat of a conflict of interest, lies in the fact that John Avery also represented Terrence Hill during the Port Arthur legal process.
Because the prosecutions case had a high dependency on the origins of the murder weapons, and because Bryant implicated Hill in the Interrogation by claiming that he

had in fact sold him some of the weapons used at Port Arthur, how could Avery possibly act in the best interests of both clients.

Following is the letter to John Avery's first client, dated the 6th of June 1996.

Mr Terrence Hill,

Dear Sir,
We write to confirm that we attended with you at Police Headquarters this morning when a discussion was had with Inspector Ross Payne and other Police Officers.

We made it clear to those Police Officers what your position was, namely that at no time had you sold any guns to Bryant, but that you had sold ammunition to him but on each occasion he had shown to you a gun license which, of course enabled you to sell not only ammunition to him, but guns as well.

In a private conversation that was had between the writer and Inspector Payne, Inspector Payne made it abundantly clear that Police have very strong evidence to suggest that you did in fact sell guns to Bryant and unless you are prepared to in effect change your story, they will press on and try and find sufficient evidence to charge you with some offences.

However, it was also made abundantly clear that the Director of Public Prosecutions is prepared to offer you indemnity against prosecution if you are prepared to accept that you did sell guns to Bryant.

Quite clearly you need to very carefully consider your position over the next few days. If in deed you did sell guns to Bryant but that at all times he showed to you a gun license, then of course you will have committed no offence at any rate. If on the other hand you did sell guns to Bryant and you were aware that he had no license, then clearly you have committed an offence but the indemnity being offered to you would ensure that you are not prosecuted for any gun offence.

We would suggest that you give this matter your careful consideration over the ensuing weekend and contact the writer, perhaps next Tuesday afternoon in order that we can discuss the matter further. We have indicated to the Police that we will not be able to come back to him before Wednesday or Thursday of next week and that is acceptable to them.

Yours faithfully
John Avery

The strong evidence suggested in this veiled letter never existed, to this day the police have still not charged Terry Hill for "selling guns to Bryant"!
The threat to "charge you with some offences" was made good by the Tasmanian Police when on the 2nd November 1996, they raided his shop and confiscated guns worth $80,000 and revoked his gun dealership license, ***because he did not comply with legislative requirements relating to gun dealers.***

How desperate must been efforts to try and connect the AR15 to Martin Bryant, that even Terry Hill's own defence lawyer was endeavouring to incriminate his other client.

During his time spent with Martin Bryant, John Avery seriously contemplated writing a book which would amongst other things, outline the conversations between lawyer and client that may be construed as an admission of guilt.
This is simply not an ethical option for a lawyer to entertain, in March 1997 John Avery visited Martin Bryant and discussed the release of information given in lawyer/client confidence, upon Bryant's refusal, Avery shelved his plans for a book.

The following statement confuses me somewhat; to make the statement for a start is to me strange, it should have gone without saying, and the total quote seems something of an oxymoron to my logic.
Surely if you are defending someone, it should be to your utmost, without some Sword of Damocles hanging over your head.
Mr Avery said in dealing with Bryant he never deviated from his duty to act in his client's best interests consistent with his obligation as an officer of the court.
[The Age 22nd March 1997]

The following excerpt gives some idea of the strange concerns that the community should "suffer" a trial, whether short or drawn out. Surely the holding of a trial is the accepted way of imposing justice, whereas to not hold a trial, is a little more in tune with the early days of America's wild west, where a suspect was quickly lynched from the nearest tree by an angry mob.

Mr Avery was asked to act as Bryant's counsel last September when his first counsel resigned after Bryant shocked the public, and some in the court, by pleading not guilty to all of the charges against him. This meant that the community faced a torrid, lengthy trial.
"Given the enormity of the crimes and given what obviously had occurred prior to my involvement, it wasn't likely to be productive of a result in his best interests to adopt what one would call a straight up-and-down lawyer to client approach," Mr Avery said.
"The other approach involved a lot of regular contact, a lot of talking . . . in other words reaching a level that the client is comfortable with. I probably spent more time talking with him than may in the ordinary course of events be strictly necessary."
[The Age 22nd March 1997]

CHAPTER 40
WAS IT REALLY JUSTICE.

It is better that ten guilty persons escape than that one innocent suffer.
William Blackstone.

What an admirable sentiment, hardly the stuff that would occupy the thoughts of present day society. And certainly not the stuff that crossed the mind of the Media and Legal Beagles that had anything to do with Martin Bryant's pre-trial hysteria and presumption of guilt.
Leading up to Martin Bryant's original plea of not guilty, he is reputed to have said that it was the Court's requirement to prove his guilt, and not up to him to admit it.
I agree with him entirely, you are deemed innocent until proven guilty.
Well that is the way it is meant to be in theory. In actual fact of course, Bryant was tried and convicted by the Media before he was even arrested.

Martin Bryant's requirement to be represented in legal matters.
Despite this summation of Martin Bryant that indicated that he definitely required assistance with legal matters, he was still permitted to sit through a Police Interrogation without representation or a guardian.

Mr Bryant is of limited intellectual ability, his measured IQ lying in the borderline intellectually disabled range. He does however function reasonably well in the community and has a degree of charm and guile which enables him to perform in many areas at a far higher level than might be expected from his performance on IQ tests. The level of Mr Bryant's intellectual difficulties do raise at least a question about his fitness to plead. I discussed with Mr Bryant the nature of a trial and the various roles of the members of the court. He had a clear idea of the role of his legal representative, explaining it as someone to help him and speak for him. He had a rough idea of the function of a judge. He knew what a jury was, but was uncertain about its exact role. He could however easily understand when this was explained to him and when asked about it, an hour or so later, was able to give a reasonable account of the nature and function of a jury. Mr Bryant knew what it meant to be guilty and to be not guilty. He was aware that there were things called crimes and those who were found guilty might be liable to punishment. He had a clear notion that there are rights and wrongs. In my opinion therefore, this man is fit to plead, though he may require a little more assistance and a little more time in coping with the legal process than would a more intellectually able accused.
[Mullen Report]

On the 4th July, 1996, after obtaining the permission of Bryant's then defence lawyer, Mr Gunson, Inspectors Warren and Paine conducted an interview with Bryant at Risdon Prison.
[Court Document page 190]

How very unfortunate, that Bryant's own defense lawyer could possibly allow his disadvantaged client, to field questions and legal entrapment on his own devices. And

this while shackled to a wheelchair, under the effects of painkillers, and while enduring an excessively lengthy Interrogation, which in itself is subject to a conduct code

Q. Look Martin, you've obviously got a, a, an interest in firearms as well?
A. Well, I have had an interest in firearms.
Q. How many guns do you own?
A. I own umm, a shotgun and a semi-automatic and another semi-automatic Three altogether.
Q. Where'd you get those guns?
A. Oh, umm, I can't really say, I haven't got my lawyer here so.
Q. Well we have spoken to your lawyer and he knows that we're talking to you
A, He knows, he knows.
Q. And aah, has no problem with that so aah
[Interrogation]

The eyewitnesses that were to be denied a day in Court.
To ascertain the events that transpire at an incident, and to verify the validity of those events, it is generally accepted that eyewitnesses are called to testify in Court.
At Port Arthur there were quite a number of eyewitnesses that observed most of what transpired, some from quite close proximity, there were people that observed the gunman before the massacre started, and there were others who were close at hand during the shooting in the Café.
Others were at the scene when the gunman left the Cafe, and there were also eyewitnesses when the carnage was extended from the buses all the way up to Seascape.
I am not privy to a list of the eyewitnesses that were advised by the DPP that their presence would not be required to testify at the forthcoming trial of Martin Bryant on the 18th November, but I do have some of the names of those people, and looking at the part they played at Port Arthur, I am disappointed that they were denied the opportunity to participate.

Wendy Scurr was one such eyewitness that exchanged pleasantries with the gunman before the shooting started, she was first to phone 000, she went into the Broad Arrow as soon as the gunman departed, her knowledge of details would be second to none.
But, she was advised by the DPP on the 15th October that her presence would not be required in Court; I realise that her account of the events may have differed to what the prosecution may have desired, surely though, if Bryant was so positively guilty, then surely the truth of the facts would not have changed the outcome, or would it.

Here is the letter details as sent to Wendy Scurr, how many others that were key witnesses got a similar refusal.

Dear Ms Scurr,
re: TRIAL OF MARTIN BRYANT

As I indicated to you in my previous letter we have been considering the file of witnesses statements in preparation for shortlisting witnesses to give evidence at the trial. In considering this task Nick Perks and I have had to determine whether or not

other witnesses are available who can give evidence of particular incidents and, more particularly, what issues will be required to be proved at the trial.

We have examined files of witness statements (almost 800) and concluded that your evidence, contained in your statement taken by the Police, whilst helpful in the investigation and in the consideration of issues in this matter will not be necessary in the trial of Martin Bryant.

Our assessment has been based on a number of issues including a consideration of the likely position to be taken by Martin Bryant in the trial.
We realise that people may wish to attend and give evidence and explain what happened to them on the day. We hope that those who are not called appreciate that our decision has not been an easy one, it has required careful consideration of the length of the trial, the issues raised in the charges laid and the availability of many people who not only saw what happened but also were directly involved in the incidents which have been made the subject of charges.

Having concluded that it will not be necessary to call you to the trial to give evidence we wish to take this opportunity to thank you for your co-operation with the Police and the authorities of this State to date.

We are still hopeful that the trial will commence on the 18th November next and every endeavour will be made to complete the matter prior to Christmas.

Because you are not to be called as a witness it does not mean that you can freely discuss issues in a public way. We would be most concerned if there was any inappropriate pre-trial publicity about this matter. We would ask that you exercise caution if you are approached by any representative of the Media as it would be unfortunate indeed if the trial process in any way was delayed or complicated through inappropriate pre-trial discussions.

Yours Sincerely,
(Damian J. Bugg Q.C. and Nick Perks)
OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

No Trial, no Coronial Inquest.
Was it really justice to deny the accused his day in Court. This has also meant that no guilt was ever proven, it has also meant that many victims have been denied the chance to face their demons and put Port Arthur behind them.
The same can be said of the refusal to hold a Coronial Inquest. The hard questions that deserve asking, have never been put, consequently, the opportunity to learn prevention has been cast aside. The details of how, why, and whom, will never be asked, and it is very, very clear, that Martin Bryant did not act alone, whatever part he played.

John Avery for the defense.
I may not be versed in legal procedures in Court, but as a watchful citizen expecting fairness and justice to be supreme, I register disappointment that nothing was challenged at the Sentencing Hearing, even when the Judge invited it with the following.

Your Honour, the quality of the sound and vision on this interview are not particularly good, there was some breakdown with the recording facility and the tape has been reconstructed using the audio from an audio tape which was recorded at the same time as the original video, so there is some lack of synchronisation at times and the vision is not particularly good but I would now seek your Honour's leave to have this interview played to the court. It goes for approximately two hours and at its conclusion the learned Director of Public Prosecutions will complete the Crown presentation of facts.
HIS HONOUR: Yes. You've got no submissions, I take it Mr Avery, in view of the editing and the substitution of some of the audio tape?
MR. AVERY: I was not aware of it but I am not troubled by what's proposed, your Honour.
[Court Document page 194]

The Interrogation that would have been thrown out at Trial.
To present to a Court of Law, a transcript of a legal procedure such as an Interrogation, that has 1/3rd missing, and to compound that shortcoming with an accompanying audio tape that has no fewer than 80 <inaudible> inserts, is nothing short of absurd.
Technology in the area of Video Recorders is at a pinnacle, gone are the early days of unreliable equipment that may have broken down, and yet here in Tasmania in the late 20th Century, we not only have a Video Recorder fail to record an interview in it's entirety, but we seem to have suffered a parallel failure with the separate Audio Recorder.
I would not relish the thought of appearing in such an Australian Court that fails to rule such evidence as inadmissable. I do not know the legalities under which our Courts function, but, if I were the Judge, I would have totally rejected the entire Interrogation as being possibly tampered with, and in danger of being out of context, and more in keeping with a Kangaroo Court of years best gone by.

The Guilty Plea.
When a guilty plea is entered, and that plea is the result of leverage and repeated coercion, and when your own defense lawyer states afterwards that, *I felt intensely that I had to do right by the community as well,* and when that guilty plea was not the original intent of the defendant, I fail to see justice as being served.

The picture that the Media conveyed to the public.
Justice is something that should be administered by a Court, one that is legally empowered by the Government to do just that, when you have justice invoked by Newspapers and Television, you have nothing.
Knowing that the opinion of the Media, is often the will of a select few, and knowing that the Media is not required to follow the legally correct dictates of a Justice system, we should all be quite concerned by the way that Port Arthur was taken on board by the Media, that they set themselves up as Judge, Jury and Executioner, and what's more, they were permitted to do this with no more than a token admonishment.

There is no way that any potential Juror could not have been influenced about Martin Bryant's guilt as amply portrayed by the Media from day one, front page news, no doubt, fair justice for the accused, I think not.

CHAPTER 41
THE POLICE RESPONSE.

To serve the people of Tasmania by protecting life and property, enhancing community safety and reducing the incidence and fear of crime.

This motto is certainly what a citizen would hope and expect from the Tasmanian Police Force. If ever a society looked forward to a protective response from Tasmania's finest, it surely was in the minutes and hours following the carnage at Port Arthur.

This extract from the Age a year later demonstrates the frustration that many at Port Arthur must have felt.

Assistant Commissioner Luppo Prins says the problem for police is that they are trained to believe they exist to protect the community. His voice sounds slightly weary. "Once we arrived, we were able to isolate and contain him," he says. But, by then, Bryant had left his trail of carnage.
Constable Brian Edmonds, who works mainly in search and rescue, was the first armed policeman to arrive, by helicopter, at the Broad Arrow Cafe. What he remembers vividly is seeing people emerging from behind bushes and buildings, hundreds of them, running towards him.
Everything's OK, he reassured them. The police have arrived. The truth was he had five bullets and a pistol accurate over 15 metres. The gunman's weapon, he knew, was 30 or 40 times more powerful. He also knew that while police had pinpointed the gunman's whereabouts, they were not, at that early stage, sure they could contain him. For 20 minutes Edmonds waited, effectively alone, for a mass killer with a semi-automatic to appear.
For those immediately involved, the trauma of that day has two elements. The first is the dreadful nature of the injuries that were randomly inflicted. The second is that, for a period of hours, most people were uncertain about the gunman's whereabouts, or indeed if there was only one killer. Port Arthur, on the ocean side of the Tasman Peninsula, is in a "black spot" for radios and mobile phones. For those trapped there, it must have seemed that both horror and terror were loose in the land.
[The Age April 12th 1997]

The initial call for Police assistance came from Wendy Scurr who dialed 000 after realising what was occurring in the Broad Arrow Café.
Obviously the response would not be immediate, but one would assume that suitably prepared Police would attend within a reasonable amount of time, understanding that the first duty would be to contain or apprehend the offender, and that then the survivors would see a visible response to allay their very real fear that the gunman may have returned.

Under the heading of *An Overview of the Police Response* in the EMA papers, the Commissioner of Police, Mr Richard McCreadie informs us of the following chronology.

1335 000 call received at Police Communications.
1336 Initial response units, Dunalley & Nubeena Police dispatched.
1346 Initial CIB response units, Bellerive (2 x personell) dispatched.
1359 1st Helicopter tasked.
1411 Marine Division tasked (Van Diemen & Vigilant) tasked.
1413 Major Crime Squad tasked.
1425 Negotiators Unit (on call) notified and tasked.
1447 Eastern District CIB Task Force activated.
1458 2nd Helicopter tasked.
1557 SOG tasked and proceeding.
1604 2nd SOG tasked and proceeding.
1715 VICPOL contacted for assistance.
1907 VICPOL SOG en route.

The local Police were at Saltwater River which is approximately twenty five minutes travelling time from the site of the carnage and they were immediately despatched.

Whilst the police were responding, the people at the historic site were unsure of the location of the offender and therefore felt still at risk.

The Special Operations Group was called out at 1347. Three members flew to Taranna by helicopter arriving at 1533 and nine members travelled by road. They arrived on site at 1612.
A Holding area was first established at the PFCP and a cordon was placed around the Seascape cottage by 1712. The offender was only loosely contained at that time.

Possibly a small point, but, it was pointed out in the same EMA Seminar papers, that,
The initial report of the Port Arthur shootings was received at the Hobart Police Radio Room at 1332 on Sunday, 28 April 1996.
[EMA: Assistant Commissioner Luppo Prins page 27]

Further confirmation that the incident was reported at 1332 and not at 1335 comes from one of the first to respond.
On Sunday the 28th of April, I was the Bellerive Division Uniform shift Supervisor, at 1.32pm I became aware of a firearm incident which was occurring at the Port Arthur Historic Site. I left the Bellerive Police Station and commenced to drive to Port Arthur.
[Statement: Sergeant Andrew Fogarty]

From this report it can be seen that the Special Operations Group was directed only to the siege situation at Seascape, and it would appear that sending the SOG to Port Arthur was not a possibility or a priority.
Perhaps the Tasmanian Police Resources are severely under funded like so much of present day Australia. Perhaps written procedures did not cover such a situation, I do not profess to know the answers, but I am sure that the survivors and the general public would like an assurance that things would be done differently if there is ever a next time.

Craig Coombs, CEO of Port Arthur Historic Site recounted later

At this stage (about 1730) the day was drawing to a close. We were assured that there was a group of SOGs arriving by helicopter to secure the Site.
I hoped this would help to settle people down and give them hope. I felt at this stage a strange feeling that I was not going to be shot, a feeling shared by other staff members.
I moved out in the open and without fear commandeered 3 four wheel drives and had them ready to transport the SOGs to secure the Site.
Driving the vehicles to the edge of the oval, we awaited for the helicopter to arrive.
The helicopter contained 2 young police women who had come off the beat in Hobart.
[EMA page 40]

How disappointing must that have been for someone with the responsibility of 600 potential victims, to wait in absolute vain for the calvary to arrive, knowing that there were three helicopters available, and a large contingent of fully trained and armed specialist Police did exist for such eventualities.

Ian Matterson reported on the Coroner's Responsibilities at Port Arthur and stated..
Travel arrangements for myself and my two police officers changed at 1655 when we were advised that air travel in the region of Port Arthur was being jeopardised by continued shooting and that the area had still not been rendered safe by the police.

On arrival at the Police Forward Command Post set up at the Tasmanian Devil Park at Taranna we were advised the Port Arthur historic site had still not been rendered safe for entry by our team and we waited until 1930 before we obtained the 'all clear'.
[EMA page 90]

So here we have been informed that the site was still considered dangerous until 7.30 PM, from the first shooting at 1.30PM, several hundred people had to wait in fear for 6 long hours without any protective response from the Tasmanian Police.
This was a national disgrace that must never be permitted to happen again in the future, this was not beyond the black stump, this was only 100 kilometres from Hobart, a mere 10 odd minutes by helicopter.

Some solace for the constabulary in general can be derived from the bravery of visiting Police to Port Arthur for the day, such as Justin Noble of the NSW Police, and Dennis Gabbedy of the Victorian Police, who along with volunteer Ambulance Officers, SES volunteers, local Fire Brigades, Doctors, Port Arthur staff, and local and onsite people in general, all pitched in to risk their own lives for others.

Full marks to the ill equipped and unprepared local Police that did arrive there to do what they could, but on the other hand, what decision making process went into sending unarmed rookies into a hazardous situation, when it would have been more prudent to send a small contingent of heavily armed and well trained Special Operations Group experts to secure the site.

Steve and I, and another couple who were from New Zealand, ran behind the Petrol Station, while we were running, I heard three gunshots coming from behind us. We

kept running until we came to a cemetery which was sort of next to the service station but a little down the road.
We all hid in the cemetery, we his inside the cemetery for about ten minutes.
We saw a Police car with it's siren on, going along the main highway away from Port Arthur, it passed us.
[Sworn Statement: Tony Chan 28th April 1996]

Then the blonde male drove off in the BMW towards Hobart.
Constable Chris Isles arrived about three minutes after the last incident, he asked me to get in the car and we would follow this vehicle, but after he had seen the young deceased female, he decided to leave me at the scene.
[Sworn Statement: James Laycock 10th May 1996]

After he had finished shooting at the Corolla, he ran back to the gold coloured vehicle he had which was still parked in the middle of the road, and drove off very quickly towards the Seascape area...
I waited about two minutes and then I went over to where the Toyota Corolla was...
I then came back to the shop, and a short time later, the Police arrived.
When the male holding the firearm left after shooting at the Corolla, I distinctly remember looking at my watch, and it was 1.45pm.
I do remember that after the Police had gone, I went closer to the Toll Booth...
[Sworn Statement: Yannis Kateros 10th May 1996]

The blonde male then just slammed the boot down on top of his head, I did not actually see the blonde male get into the car, but I then saw him just driving away, heading towards the Fox & Hounds Motel.
I then unlocked the door of the shop and ran out towards my car...
I then got into my car and then I saw that a Police car had arrived at the Kodak shop across the road, the officer was talking to some people...
[Sworn Statement: Kyle Spruce 2nd May 1996]

It must be wondered whether the Tasmanian Police would in retrospect have wished they had handled the entire day somewhat differently, perhaps the Royal Commission will provide some directions by which new guidelines will be implemented.

CHAPTER 42
SURVIVORS AND VICTIMS.

A man's dying is more the survivors' affair than his own.
Thomas Mann

The Port Arthur massacre may have taken place on the 28th and 29th of April 1996, but for many, the pain and suffering will continue well beyond those dates, and in fact may be a lifelong burden.
There were 150 people directly affected by the mass shooting, this was detailed in a victim impact statement to the Tasmanian Supreme Court during the sentencing trial.

There were many additional hundreds of people who became victims as a result of assisting others on the day, a police trauma specialist helped 685 emergency service workers to recover from their involvement.
Six of the Port Arthur staff have been unable to return to work, many victims have undergone considerable surgical processes, some will never recover from their injuries.

The state's police commissioner, Mr Richard McCreadie, said that as a result of the Port Arthur trauma, three people had left the force. Another four were off duty and still being treated.
[The Age 23rd April 1997]

Many will require ongoing counselling, they endure social withdrawal, depression, headaches, anxiety attacks, flashbacks, sleep problems, nightmares, physical impairment, suicidal tendencies, nausea, loss of employment prospects, and of cause, pain, and a lesser quality of life.

Some are now unable to drive a motor vehicle, and some now require assistance in their everyday tasks, others may have suffered severe financial hardship through inability to work.

Some have required hospitalisation, and medications, and anti-depressants, many feel as though their lives have been totally destroyed, others have had their relationships break down.

Many of course, had to suffer the additional pain and stress of hiding and waiting for a police presence to secure the site, unfortunately this was an extremely long wait of several hours as all armed police were accumulated at the siege scene at Seascape.

There was incredible heroism shown on the day by loved ones that sacrificed their own life that another may live, with many others risking their lives for complete strangers.

As of April of 1999, there were 10 former employees taking legal action against the Port Arthur Historic Site Management Authority, these were ahead of the three-year cut-off point. A further 9 people are also suing either the authority or the State Government.

Port Arthur worker Steven Howard was merely one of a long list of victims seeking redress as a result of the massacre.
A Port Arthur worker whose wife was killed in the 1996 massacre yesterday took out a writ in the Tasmanian Supreme Court alleging negligence against the administrators of the historic site.
Steven John Howard, 30, who now lives in Victoria, is claiming unspecified damages against the Port Arthur Historic Site Management Authority.
His wife, Elizabeth, was one of 35 people shot dead by Martin Bryant on 28 April 1996. She was shot and killed while working in the gift shop section of the Broad Arrow cafe, while he was working at another part of the site.
[The Age 18th March 1999]

Assistance to date.
The Port Arthur appeal fund was headed by chairman Henry Cosgrove, it raised $3.5 million to assist the victims, the money was split between 338 people.
Criminal injury compensation payments were up to $20,000 per victim, payments were made to those who were wounded, or for loss of a person on whom they were dependant.

Other payments were made for victims of stress and psychological damage, money was also allotted for funeral costs, transporting bodies, and to enable relatives to attend distant funerals. Additionally there was assistance for pharmaceutical costs and urgent medical treatment, victim rehabilitation and nursing services, and the transfer of victims to interstate hospitals.

Compensation was also granted for lost and damaged property ranging from clothing to vehicles.
The appeal payout was separate from criminal injuries compensation, which included money obtained from the assets of Martin Bryant.

The future.
Government and departments could do much even now to assist the survivors and victims, it would seem that they are a conveniently forgotten group, just as are survivors of Vietnam, or other aspects of war related trauma.
It would seem that while Ministerial decision making has no related responsibilities, it is always willing to ignore warnings from those likely to be affected by dangerous practices.
If a Government or it's Ministers make a bad or erroneous decision, they can simply negate or absolve any and all responsibility. The victims and survivors of Vietnam, the Voyager, Asbestos, Thalidomide, the "recession we had to have", the Lima Declaration and the New International Economic Order, road accident victims due to gross anomalies in road taxes and a lack of better roads funding, in fact, a list long enough to warrant a book. All these victims and survivors share something in common, the fact that 99% of these people have had to fight their own battles in the Courts of Australia.

Many of course have been kept completely in the dark about what Government actually gets up to in Canberra; matters such as the actual loss of the peoples Bank in

1923, or the demise of taxation responsibilities for Foreign Investment in 1953 via the International Taxation Act.

The people of Australia have fared very poorly from their own Government over past decades. It would be nice to see some of the many millions of foreign aid dollars diverted to helping some of our own for a change!
The commonly accepted practice of forgetting and ignoring victims must be redressed. Every person affected by the events of Port Arthur should be assessed and offered whatever assistance that is required.

There is not a matter of insufficient funds; there is rampant waste of money in Australia by Government. Especially in taxes that are lost to Foreign Investment..
Jim Killaly of the Australian Tax Office reported that since 1953 when the Double Taxation Bill was enacted, *Multinationals have paid little or no tax.*
[Sydney Morning Herald 28th October 1996]

And again Jim Killaly repeated his plea, *There are 4300 large foreign corporations that pay no tax in Australia, and that there are another 4000 or so foreign companies that pay little or no tax in Australia by means of transfer pricing and various tax havens.*
[ABC Radio National 3rd April 1998]

So, let no Politician state that there is insufficient funding for survivors, or for a Royal Commission of Inquiry, this is simply not true.

CHAPTER 43
A ROYAL COMMISSION OF INQUIRY FOR PORT ARTHUR.

The world is a dangerous place to live, not because of the people who are evil, but because of the people who don't do anything about it.
Albert Einstein

The Tasmanian Government has vigorously avoided public scrutiny over what has transpired at Port Arthur. Despite pleas from victims and survivors, to date a Coronial Inquest has still not been held, despite the deaths of 35 people.

Equally important has been the omission of a trial for Martin Bryant, it simply was not good enough that his basic right of, ***being innocent until proved guilty beyond all reasonable doubt***, was totally ignored. But it would appear that a concerted effort took place to thwart his day in Court.

Looking at the myriad of anomalies, oversights, injustices and distortions that have permeated the Port Arthur incident from day one, and realising that the authorities efforts only worked towards Bryant's conviction, whilst avoiding inquiries and hearings that might have given the larger picture. It is time to instigate a Royal Commission to investigate all aspects of what has now been partly uncovered and exposed.

There is clearly enough evidence to prove that there were other parties involved at Port Arthur, whatever the part that Martin Bryant played, it is very clear that he could not, and did not, act alone.
In fact, there is no solid proof that he was even at Port Arthur. He claimed this repeatedly, what's more, there is ample proof to place him at Seascape well after the Martins were murdered (according to the Crown), and if he did not murder David and Sally Martin, then that would raise the possibility that someone else may have even gone to the Broad Arrow rather than Martin Bryant.

Reflecting on disclosures since the conclusion of Court proceedings, there is certainly much evidence now to prove that the Court process was circumvented, to obtain a quick unchallenged conviction, without seeking or allowing the truth to be sought.

Failure to hold a Royal Commission into every aspect of Port Arthur where the lives of 35 Australians were lost would be a national disgrace. Royal Commissions have been held in Australia since 1850, many have been held into tragedies that have resulted in far less loss of life than Port Arthur.

Past inquiries into other disasters include the *Royal Commission into Bush Fires 1939, Royal Commission into the West Gate Bridge 1970-1971, Royal Commission into the Melbourne/Voyager Collision 1964, Royal Commission into the Newcastle Earthquake 1989, Royal Commission into the Blackhawk Helicopters Collision, Royal Commission into the Thredbo Landslip.*

NATIONAL COUNTER TERRORISM CONFERENCE 1994

Society's wisdom has long attested to the importance of prevention. We see notions of prevention at work in common place expressions like, "A stitch in time saves nine" and, "An ounce of prevention is worth a bag of cures". The technical complexity of the deterrence theory developed by nuclear strategists at the height of the cold war is now a historical record.

Prevention is a concept that is easy enough to believe in - we all want to prevent harm. But that is where the easy part ends.

Difficulties emerge as soon as we try to define the particular forms of harm that pose real threats to our national interests ..And when we design strategies we try to prevent real harm as opposed to planning for the unlikely or allocating resources to the improbable.

We must remember that the purpose of political violence is to create political and social damage far beyond the immediate harm. This is done by creating an atmosphere of fear and by disrupting government services or function.
Political violence induces victims to blame their governments for failing to protect them.

We rightly insist our normal criminal justice processes deal with acts of political violence. This means that charges against those committing or attempting to commit a politically motivated crime are still subject to the high criminal standards of proof-proof that can stand up in court.

Our common challenge is to maintain a community which is both safe and free.
[Minister for Justice: Duncan Kerr: National Counter Terrorism Conference: 8th November 1994]

In a country that holds innumerable conferences and junkets, seminars and exercises, the sentiments expressed in this address, where Justice Kerr has given tremendous lip service about the importance of prevention, it seems truly amazing that to date no public inquiry has taken place into Port Arthur.

Previous calls for inquiries into aspects at Port Arthur.

A call for an inquiry was rejected by the Attorney General Ray Groom in February 1997, Port Arthur victims and survivors Wendy Scurr and Stephen Howard expressed concerns regarding security at the site, and with the failure of victims to escape through a door that could not be opened.
They said that questions remained unanswered about how some of the 35 deaths may have been prevented.
The coroner decided not to proceed with an inquest after the trial and sentencing of Martin Bryant over the shootings late last year. The Attorney-General, Mr Ray Groom, said the Government was firmly against a further inquiry.
"I don't believe it's in the public interest of the people of our state and those concerned to have an inquiry into this matter when the facts are quite clear. It would be very, very traumatic."
[The Age 19th February 1997]

Comment by John Presser, secretary to the Tasmanian Firearm Owners Association
If $500 million can be found to confiscate previously legal semi-automatic firearms, then $1 million to fund a Royal Commission can not be refused.
To which the reply from Mr Beswick for the Government was, *Tasmania needed to continue the healing process, not resurrect the pain and suffering. The legal system had done its job.*
[The Mercury 19th February 1997]

The special commissioner, Mr Max Doyle, recommended that an inquiry be held into the door. "A door is a door," Mr Doyle said in this week's report. On 28 April people may well have seen it as their chance of escape from Bryant. An investigation should examine the chance of escape, the legalities of its closure, and address comments like those in the memo, to assist in healing and recovery. He warned that the alternative to this, and other unanswered concerns, may be years of individual and community unrest.
[The Age 27th June 1997]

I agree entirely that we should have a Royal Commission into the events of Port Arthur. This would expose the truth of the matter and perhaps help to make sure that such a massacre never ever occurs again.
[Des Hiscutt MLC. Member for Emu Bay. 25th September 1997]

Salient points to be considered by a Royal Commission.

Legal related questions.

1. Why key eyewitnesses that got close enough to the gunman to identify features were advised they would not be called to Court to testify.
2. The circumstances by which Martin Bryant was denied his right of trial.
3. Why Martin Bryant was denied the presence of a guardian or a solicitor at all legal proceedings, especially his Interrogation.
4. Why the Interrogation as presented to the Court was incomplete, and why despite that fact, it was accepted by the Judge and the Defense.
5. Why the hearsay testimony of the unidentified Asian gentleman was permitted
6. How the Media was able to avoid charges of subjudice for trial by media.
7. Did this subjudice influence or contribute to the non defense of Martin Bryant
8. Why wasn't the Court informed of the drug decoy at Saltwater River
9. Why was the matter of the gunman buying Marijuana withheld from the court
10. What circumstances led to John Avery presenting wrong information to the Court regarding Martin Bryant's guardianship which was actually on April 22nd 1994 rather than November 1993, thus obscuring the fact that Martin Bryant was absent from his own hearing.
11. Why was there no explanation that Bryant's attire on the journey to Seascape was different to what he wore at Port Arthur.
12. Can the Volvo's movements and times prior to arrival at Port Arthur now be determined as the Crown version is clearly incorrect.
13. Why did the Court place no importance on the two shots heard by Andrew Simmons when it was known that David Martin was killed by two gunshots

14. Why was the Court told that Doug McCutcheon heard shots about 12-12.30 when his sworn statement stated, *sometime between 10.00am and possibly 11.00am*, thus giving the false impression that Martin Bryant could have been involved.
15. Was Martin Bryant given adequate legal defence as per the rights of anyone accused of a crime.
16. Why was there leaking of secure evidence before completion of the sentencing hearing on Friday the 22nd of November.
17. Was the reconstruction of the video tape with a separate audio tape a valid or legal method to supply court evidence.
18. Did the matter of 80 separate inaudible comments further invalidate the Interrogation video/audio evidence.
19. Was it ethical or proper for John Avery to take on Martin Bryant's brief when he already had Terry Hill as a client, with the possible conflict over the AR15 supply matter.
20. Does the matter of seeking to coerce an admission of guilt from Terry Hill over the denied charge of selling a weapon to Bryant warrant some scrutiny.
21. Did John Avery's comment of, ***I felt intensely that I had to do right by the community as well,*** indicate a less than appropriate defence on behalf of Martin Bryant.

Police related questions.

22. Why had the Victorian Police failed to record the serial numbers of weapons pertaining to the AR15 handed in at Yea.
23. How had the Victorian Police been able to tell Mr Drysdale that his gun had been destroyed on 9th March 1994, when in actual fact, it had not.
24. Were any of the 18 or so weapon serial numbers actually traced to origin.
25. What was the source of the Radio Scanner that Jamie used to monitor Police Transmissions at Seascape.
26. How were the Police Frequencies obtained for the Scanner, obviously not an easy task for someone of Bryant's ability.
27. What were the circumstances that resulted in the James Balasko video not being obtained by the Task force.
28. At what time was the tip off for Saltwater River logged, and what were the details given by and about the caller, and does the log tape still exist.
29. Given the relative disclosure of Bryant "being guilty" by all accounts of the Media, should the Identity Photoboard introduced in mid May, have been abandoned.
30. Did the Identity Photoboard shown to witnesses, fairly include other males in their twenties and with long blond hair, and of similar appearance.
31. Is the use of Photo Identification really relevant in today's era of technical excellence in use of makeup and latex look alike masks, considering that the Port Arthur gunman managed to elude capture at the site.
32. Did the interrogation of Martin Bryant meet with police guidelines or Standing Orders.
33. Why were the police unable to send a number of SOG officers to safeguard and comfort the survivors at Port Arthur.
34. Should the police have an SOG team on call after hours for emergency response.

35. Why does the attendance by Constable Chris Isles not appear in official dispatches? Why does his Statement not appear in the Crown Brief. Did he conclude the pursuit of the gunman in the BMW, if not, why not.
36. Why has the identity of the informant to the weapons at Seascape been withheld, said to be a relative of the Martins.
37. What do Australia's secret forces know of the Port Arthur Incident.

Third party related questions.

38. Why was the Court not informed of the concerns by Police at Seascape, that there was more than one terrorist at Seascape during the siege, as indicated by the dialogue that resulted in an inexplicable shot at Constable Pat Allen.
39. Why was no mention made of the incredibly different statements attributed to Jamie during the siege, from inane gibberish, to very intelligent conversation with specialised knowledge on various topics.
40. Did Alison Smith's phone call to Seascape precede or follow Jamie's call to Merran Craig.
41. What were the consequences of Alison Smith's phone conversation with Jamie, being misreported as to the time of occurrence, and the relevance of Jamie sharing his mirth with an unknown third party at Seascape.
42. How was Jamie able to deduce that an SOG officer was going to shoot his accomplice, who was on the roof of the outlying building, unless he had possession and knowledge of a Scanning Radio.
43. How was the terrorist person/team able to be extracted from Seascape without apprehension.
44. What validity is there in the information that the Police actually set fire to the BMW, and possibly to the Seascape guesthouse.
45. What insight did the Police have, when they accused the suspect Martin Bryant, of carrying guns in the plural, into the Broad Arrow Café, when all in Court were led to believe that only the AR15 was carried into the Café.
46. Likewise, what was the destiny of the bag in which the gunman carried the extra gun from the Café. The Court was only told of the Prince Bag that was left behind in the Broad Arrow, what happened to the second bag after eyewitnesses and video captured it being carried out and placed in the Volvo.
47. What was the reason for the video recording equipment to fail during the interrogation, and what was the reason for the audio recorder to fail on 80 occasions while recording the sound.
48. Who fired the gunshot that is recorded on the Negotiator audio-tape. This occurred while Jamie was discussing sandwiches with Sgt McCarthy, the volume suggests that the gun was not in the same room as the telephone. And why has this gunshot been obscured in the written transcript where a <cough> has been substituted for the gunshot.
49. What facts can now be derived from eyewitnesses and their accounts as to the circumstances of the unknown shooter that fired the weapons at Seascape prior to Bryant's arrival.
50. What facts can be derived from eyewitnesses and visitors to Seascape that could help identify the dark haired male running naked between the buildings.
51. What facts can be derived from eyewitnesses and visitors to Seascape that could identify the naked female observed during the siege.

Questions pertaining to insight and preparations.

52. Could there have been some insight into the massacre because of the amazing number of exercises and coincidences that helped to lessen the aftermath for the injured.

53. What were the circumstances by which the 16/22 person Mortuary Ambulance was on hand before the event, and how does the subsequent disposal of this unique vehicle relate to the initial purchase.

54. As expounded on by the Media immediately prior to Port Arthur, what is the significance of public figures in the arena of gun control, actually predicting a gun related massacre in Tasmania.

55. What Governmental factors may have resulted in the many serendipitous events that allowed Royal Hobart to act with such extraordinary efficiency on the day of the massacre.

56. On the Crown hypothesis that Bryant went to Port Arthur, what would be the circumstances by which he could have received his close quarter combat skills.

Gun related questions.

57. Why reference to the gunman having a night vision scope was deleted from public references.

58. Why does the audio transcript as screened by Channel 9, not match the dialogue as recorded in the Court Transcript, in regard to the night vision scope.

59. What was the source of this Laser Scope and why was it not found in the debris at Seascape.

60. If it is accepted by the court that Martin Bryant purchased the AR15, then why has the seller not been found and pursued.

61. Was there more than luck involved in the two alleged murder weapons being the only ones to survive the inferno as evidence.

62. What was the source of supply for the two murder rifles, and how is Martin Bryant actually connected to them.

63. Considering the impossibility of Bryant disabling the AR15 before the end of the siege. Were the recovered weapons the actual ones from Port Arthur, or were they merely planted to incriminate Bryant.

64. What was the source of the apparently counterfeit Shooters License that Martin Bryant presented to Terry Hill.

65. Why has the Court not disclosed the serial number of the Daewoo Shotgun.

66. Why are there no serial numbers etc given for the 15 weapons recovered at Seascape.

Evidence related questions.

67. Did Channel 9 act with any impropriety in screening Video Evidence that had at some stage been edited out of sequence, overdubbed, or presented as belonging to a different source.

68. How was someone able to capture the professional videos of events at the Café from the ruins, and what is the extent of same footage as shown on Current Affair.

69. Was the Prince Bag empty when Bryant carried it into the supermarket because he was not observed to struggle with it, and at the Broad Arrow, did it actually contain the FN FAL as well as the AR15 to make it so very heavy.

70. Was it remiss to allow the evidential videos of James Balasko and the Wilkinsons to leave the crime site.
71. Why was the FN FAL not photographed at the crime scene.
72. Has any evidence been suppressed or withheld, or destroyed lost or damaged, either accidentally or intentionally.
73. What can now be determined about the Australia Automatic .223 gun and other gun items that were not present initially at the Clare Street residence, but were subsequently discovered to be there.

Forensics related questions.

74. Was the Crown in error by claiming that the Martins were injured by "exploding" ammunition.
75. What error was made in pronouncing that Royce Thompson was killed with a .308 bullet before Bryant changed from the AR15.
76. Are there any tangible proofs that actually located Martin Bryant at Port Arthur, rather than possessions, transported DNA, and primed witnesses.
77. Where was the Scope from the FN FAL found.

Timing related questions.

78. Why are there differing opinions of the time that Martin Bryant actually visited Roger Larner, and why has the DPP presented a version that is contradicted by some eyewitnesses that saw the Volvo at Port Arthur before Bryant had allegedly left Larner.
79. Why are there so many conflicting times given for start of the massacre in way of logged phone calls, eyewitness accounts, and a terribly vague account given by the DPP.

Miscellaneous matters.

80. Was the ML Bundeena the primary target at Port Arthur.
81. Was this matter significant to Anthony Nightingale's statement during the shooting.
82. Was it a real fact that Seascape Guesthouse, a successful business, only possessed one phone, a portable battery operated phone without a master phone.
83. Why wasn't Carleen Bryant used to identify her son on the phone at Seascape
84. What could have been the significance of David Martin having been gagged.
85. What explanations/evidence explain Martin Bryant's attire being different during the journey from New Town, during the massacre, and following the siege. Did he bring a number of clothing changes.
86. Despite the numerous witnesses and occasions on which the gunman shot right handed, why was no explanation given in court as to why left handed Bryant would have changed hands for this occasion.
87. Can Martin Bryant be now examined for evidence of psychiatric manipulation.
88. Is there a connection between the "ghost phrases" with Bryant's phrase at the conclusion of the siege.
89. Was gun dealer Terry Hill unfairly treated over his refusal to perjure his own testimony.
90. Why was the matter of the gift shop door not given a public investigation, and why has the matter of the fire escape lock been withheld.

91. Considering that extra people were at Seascape and their need to escape, what method was used to extract them.

92. What is the relevance of Martin Bryant's friend as sought during the Statement of Petra Wilmott.

93. How important is the significance of Jamie's reference to *your main man*, and is there a relevance to the differing versions of this transcript.

94. Why has there never been a public inquiry into the Broad Arrow door as recommended by Special Commissioner Doyle, what implications could such an Inquiry have posed.

95. What are the real facts concerning Martin Bryant's reported condition of Schizophrenia, and what implications could such confirmation raise.

96. To satisfy and allay all public doubts and suspicions, can the questions for a Royal Commission include all submissions by the interested public. And all questions posed by a Coronial Inquest should same precede the Royal Commission.

Failure to instigate a thorough and impartial Royal Commission with full searching powers will raise further doubts as to the integrity of all concerned with the Port Arthur Incident.

This book has outlined more than sufficient matters to warrant instigation of a Royal Commission.

Therefore...

Let the first public inquiry into Port Arthur be a Royal Commission.

Let the Terms of Reference be fully investigatory and inquisitorial.

Let it be in full public gaze with no provision for *in camera* hearings or confidential reports.

Let the recommendations be acted on with haste and diligence.

Let no one escape punishment because of their position or status.

And if a Royal Commission deems it, let a Coronial Inquest finally take place, a Public Inquiry into the Broad Arrow door, and let there now be a Trial for Martin Bryant.

A Presentation on The Port Arthur Incident:
Prelude to a Royal Commission.
2001 R.R.P. Australia $22.50c

This book presents many previously undisclosed facts about the Port Arthur Incident of 28th April 1996.
Vital information about the Incident and Martin Bryant has been withheld from the public. It is very clear that Bryant did not act alone, there is ample proof and evidence of another person that was present at Seascape on that day.
This never apprehended person was firing shots from a high powered gun on the morning of the 28th according to eyewitnesses, occurring while Bryant was still in transit from Hobart!
Further, this person was most likely the dark haired person reported at Seascape shortly after the massacre, described in police reports as running naked between the buildings.
Having analysed and cross referenced the relevant eyewitness statements, Sentencing Hearing transcript, Negotiator transcripts, Psychiatric Reports, Seminar report of Emergency Management Australia, Newspaper and Television reports of 1996 and 1997, relevant technical and police magazines about the incident...
It is clear to the author that proofs of guilt do not exist. Guilty beyond all reasonable doubt simply does not apply in the case of the Crown Vs Martin Bryant. (Sentencing Hearing)
Despite all the information and facts at hand, it is impossible to determine the extent of Bryant's involvement. Just as he was not at Seascape when the early shots were fired, it can not be determined that he actually was or was not at Port Arthur during the massacre.
The case for the Crown was extremely flawed and weak, as was the failure to trace even one weapon of the eighteen recovered. In fact it is very likely that the murder weapons have still not been recovered.
Because there has never been a Trial, a Coronial Inquest into any of the deaths, nor a public Inquiry into the door that cost seven lives, it remains that a Royal Commission will be the only possibility to determine what actually happened during those two days of mayhem at Port Arthur.
Failure to instigate an open and impartial Public Inquiry will mean that the Australian Justice System will forever by tainted by the rumours and suspicions linked to the Port Arthur Incident.
Judging by the information that does exist in the public domain, some of these rumours and suspicions may be very well warranted.